2003
UPDATE OF THE KENNEBUNKPORT COMPREHENSIVE PLAN

Prepared By:
The Growth Planning Committee

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CHAPTER I. INTRODUCTION

Kennebunkport offers a truly outstanding natural and cultural environment to both residents and visitors. The combination of a rocky coastline, beaches, harbors, restaurants, historic villages, cultural and social activities, and a vibrant, natural hinterland creates an extremely desirable place to live and to visit. Maintaining the character of Kennebunkport in the face of continuing change requires vigilance and continuing re-evaluation of the Town's goals and policies. This Update of the Town's Comprehensive Plan is one part of that process.

The Town adopted its current Comprehensive Plan in 1996. That plan contained the following statement of purpose:

> "The Comprehensive Plan is intended to meet several needs:
>
> 1. To compile an "Inventory" of the Town's resources in many different fields of interest to serve as a reference work for people involved in Town affairs.
> 2. In so doing, to seek out, describe, and analyze existing conditions which affect the Town's development and welfare, and to project such conditions into the future.
> 3. To identify problems and issues which are of concern to the Town, to draw conclusions about them, and to propose goals and policies through which they may be dealt with in the future.
> 4. To set forth strategies through which the recommended policies can be implemented."

This statement of purpose continues to apply to this update of the plan.

Since the current plan was prepared in the early 1990's, the Town has experienced significant growth. The year-round population continues to grow. The development of new housing has increased over the past few years. The number of tourists and the length of the tourist season continue to increase. This growth raises new and continuing issues for the community and the town government.

This Update of the Comprehensive Plan represents a complete review and revision of the 1996 plan. The Growth Planning Committee reviewed the current plan topic-by-topic, updated the basic information as necessary, reviewed and revised the goals and policies, and identified appropriate actions to implement those policies.

This Update is organized in the same format as the 1996 plan. The update covers the eleven fields of interest addressed in the current plan and adds additional new topics, including Community Character and Hazard Mitigation.

For each of these topics, the update includes three sections:

1. **INVENTORY**. This section summarizes the Committee's findings on the subject, and draws attention to areas in which there may be problems or controversial issues. In order to make this factual material easier to understand, extensive use has been made of maps, tables, and charts. Where these exhibits are too large to be inserted into the text, they can be found at the end of the document.

2. **ANALYSIS AND CONCLUSIONS**. This section summarizes the Committee's opinion concerning the implications for the Town of the factual findings in the previous section. Attention is drawn to topics where problems are foreseen, improvement is needed, or recommendations are called for.

3. **IMPLEMENTATION**. This section sets forth the State's minimum goals for the subjects covered by the chapter, as defined in the Growth Management Act, and suggests further goals which are appropriate for the Town. For each of the concerns identified in the previous section, a policy is proposed for dealing with it. The section then recommends specific strategies through which these policies can be implemented. Where action is required, the appropriate agencies of the Town are identified, and a time frame proposed.

For the purpose of the Update, the following terms are defined as:

Goal	-	An objective
Policy	-	A course of action
Strategy	-	A plan of action; a tactic
Conservation	-	Preservation from loss, harm or depletion
Preservation	-	Kept unchanged

The following timeframes are used in the implementation sections.

Ongoing
Bi-annually
Annually
1 Year
2 Years
Yearly increments up to 5 years

The update was prepared by the Growth Planning Committee, which consists of the following members:

John Senese, Chair

Jan Collins	Paul Knight
Janet Belisle	Mat Lanigan
Barbara Rencurrel	Charles Reid, Senior

In addition, Tim Spang served on the committee prior to being elected to the Board of Selectmen. Susan Graham served as the Selectmen's liaison to the Growth Planning Committee. The committee was assisted in its work by the Southern Maine Regional Planning Commission and Planning Decisions, Inc.

CHAPTER II. A BRIEF HISTORY OF KENNEBUNKPORT

I. THE NATIVE AMERICAN PERIOD

Eleven thousand years ago, Maine was a mixture of open spruce forest and tundra with a few remaining isolated glaciers. Mammoth, mastodon, and caribou inhabited the land. The Paleoindians, arriving from the south or west, hunted all of these animals with tools of bone, wood, and stone. The people were expert hunters and equally expert in the manufacture of their hunting equipment[1]. They manufactured spear points from chert to penetrate deeply into an animal. They lived in small bands, perhaps a few families most of the time, and moved on foot over what still seems like vast distances to us today. It is not uncommon, for example, for rock materials to have been brought from Burlington, Vermont, or the lower Hudson River valley into Maine.[2] Artifacts from a site discovered a few miles southwest of Kennebunkport include tools manufactured from stone excavated near Katahdin, Burlington, VT, Saugus, MA, and Hudson Valley, NY.[3]

Around 10,000 years ago the environment changed. Trees (pine, birch, poplar, oak, with other hardwoods later) colonized the Maine landscape, forcing everyone who resided here since to live and travel along lakes and waterways and otherwise accommodate a dense forest[4].

There were three or four cultural shifts from 8,000 years ago to contact with the Europeans. Each era signified the movement of a new culture into the area. These people were semi-nomadic and probably spent part of the year at inland encampments and the rest along the shore. Their trademark huge mounds of oyster and clam shells, accumulated over thousands of years, can still be found today in Kennebunkport. Surveyed by archaeologists from Maine's Historic Preservation Commission, Kennebunkport's shell middens were established 3,000 years ago and were active until contact with Europeans.[5] These same people decorated pottery, built canoes, hunted seals and small whales, and were undoubtedly skillful coastal navigators.

It was the Wabanaki (also Abenaki) who greeted the first Europeans 400 years ago. A loose confederation of tribes, the Wabanaki included people from Newfoundland and Prince Edward Island to New Hampshire.[6] In coastal Maine south of the Saco River, early explorers noted the reliance of native peoples on agriculture. Crops included beans, corn, squash, pumpkins, and tobacco.[7]

The interface with Europeans began with summer visits from fishermen, who were willing to cross the Atlantic each summer to harvest the incredible bounty of the Gulf

of Maine. By 1616, the visitors had introduced a deadly epidemic. In the period between 1616 and 1620, the population of more than 20,000 native people was reduced to 5,500.[8] Whole villages were decimated. The remaining people often consolidated, choosing one village to live in and abandoning several others.[9] As European settlers began arriving a few years later, they found cleared, but abandoned, fields and seized these sites for homes and trading posts.

Several countries laid competing claims to the area which now makes up Maine. None consulted with the native inhabitants before dividing up the land. The French were often trading partners with the Wabanaki. The English traded, but also wanted agricultural land and lumber. In the space of 200 years, the ancient forests were destroyed and native peoples pushed to the brink of extinction.[10] Wabanaki preferred treaties to wars, but treaties were broken repeatedly. Massachusetts's courts refused to allow Indians to appear in court to petition for redress. A series of wars followed: 1675 King Phillips War, 1721 Lovewell's War. On June 20, 1756, the Massachusetts's Chamber Council set a bounty of 40 pounds for the scalp of an Indian male and 20 pounds for the scalp of a woman or child.[11] At the time, 200 acres of land could be purchased from the Plymouth Colony for 35 pounds.

In 1763, the Treaty of Paris was signed and France gave up claim to Maine. The Wabanaki of Maine were now without an ally in Maine. The meager remnants of the Wabanaki of southern Maine had fled to Canada or the upper reaches of the more eastern river valleys. Like the forest they inhabited, the native people who had lived in southern Maine for over 10,000 years, had been wiped out in less than 200 years. In their place were a people hardened to the diseases that had consumed three-fourths of the native population. Though the early European inhabitants of Cape Porpoise were notable primarily for their lack of noteableness[12], they came with the belief that the New World could offer them more than England had. For most of them, going back was not an option.

II. THE EARLY YEARS

It is hard to imagine any part of our country that has been claimed by as many "owners" as Kennebunkport, with the "owners" never having set eyes on it. In 1493, the Pope granted the territory, which included Kennebunkport and Cape Porpoise**,** to the Kings of Spain and Portugal. In England, Henry VII, also an absentee "owner", granted it to Cabot in 1495. Francis, King of France, decided to claim it as part of his "New France" in the northern part of America. Because these early grants did not bring any colonists, they had no practical effect.

It was fishing that attracted the earliest settlers. Before the Pilgrims landed at Plymouth, there were already men spending the summer months on the islands of Cape Porpoise. They had come in search of cod, and in the Gulf of Maine had found one of the world's most productive fishing grounds. The islands of Maine, those of

Cape Porpoise among them, provided an excellent base from which the fishermen could work. The inner harbors created by the islands made safe anchorage for the ships and the distance from shore allowed for a certain amount of protection. Although the islands were small, there were small tillable areas, which could produce very welcome vegetables.

Here, on our islands, the fishermen could salt and dry their catches and then pack them away in preparation for the return voyages to England. Stage Island, the easternmost island in the Cape Porpoise chain, very likely received its name from the wooden "stages" on which fish were cured during those early years. It is also likely that the first year-round settlement of Cape Porpoise occurred on the islands when some of these same fishermen decided to brave the dangers of winter in order to deliver earlier, and hence more profitable, shiploads of fish to the mother country.

Little was recorded about these earliest explorers and settlers of the Maine coast. Fishermen then, as today, were reluctant to divulge the locations of their most successful fishing grounds. But fishermen then, as today, had ways of finding out and as the 17th century progressed, more and more people made their way to this part of the Maine coast.

The increase in population brought with it a higher degree of safety and soon most of the population moved away from the islands and onto the mainland. In fact, enough people had come to warrant an application for township status from the government at Massachusetts. On July 5, 1653, "Cape Porpus" (original spelling) became the fifth incorporated town in the Province of Maine.

It is nearly impossible to determine just how many people made their homes around the shores of "Cape Porpus" and the banks of the Kennebunk River in those early years. Probably there were never more than 200 at any one time, and those who did live here fished, raised cattle, lumbered and farmed on a subsistence level. None became rich, and the town's economic base was limited to a few small mills. Although the Province of Massachusetts gained in both population and wealth, "Cape Porpus" remained economically depressed.

On December 7, 1689, war was declared between England and France. Armed and inspired by the combatants, hostile Indians began to appear in great numbers. The residents of Cape Porpoise were forced to withdraw to a fort they had built on Stage Island, and those living between Turbat's Creek and the Kennebunk River made their way to Wells, barely getting away with their lives. The town of "Cape Porpus" was left deserted.

After the warring parties signed a truce in 1695, a few people began drifting back to their homes at Cape Porpoise. The peace didn't last, however, and on May 4, 1702, war again erupted between France and England. In the summer of 1703, five

hundred Indians, led by French commanders, divided themselves into parties and attacked all of the major settlements in Maine. The Kennebunk's were assaulted on August 10 of that year. Many settlers lost their lives, and the area was once again depopulated.

For a decade the war dragged on, and it was not until 1713 that a peace treaty was signed with the eastern tribes. Slowly, by two's and three's, the hardier settlers began to return to their properties. By 1716, a petition had been submitted to the Massachusetts legislature to restore town privileges to "Cape Porpus". The privileges were restored in 1717. Within two more years, the legislature was again petitioned, this time to change the town's name to Arundel. The wish was to honor the Earl of Arundel, an original proprietor of New England.

Although land titles were often vague or in conflict, houses were built and fields cleared in Arundel. Induced by grants of land, talented men began to arrive. Although Indian hostility was to flare up at intervals, the community was more populous and better organized. By 1735, the population had risen to 300. The 1743 census recorded 50 more.

With increased population came greater security, but life was never easy during those early days. The year 1728 was marked by the fourth of a series of "great earthquakes". (The first had been in 1638, the second in 1658, and the third in 1663.) The fourth, on October 29, 1728, was more violent than the others, "shaking down chimneys and stone walls, and making it difficult to stand unsupported." According to an early historian, "many joined the church".

In 1721, all pine trees measuring two feet in diameter two feet from the butt were reserved as the property of the King, to be used as masts for the King's ships. The penalty for cutting one down was 100 pounds sterling. Bears were a continuing nuisance to the early residents; William Buland had to attack one with a hoe to save his hog. As late as 1784, the town was paying a bounty for killing wolves.

It was decided that the State Bird would be the Chickadee, though many residents since have considered that the mosquito should bear that title. The rule for survival was "pray for a good harvest, but continue to hoe".

III. THE SHIPBUILDING YEARS

Fewer than 600 people lived in the town of Arundel when, in 1775, John Mitchell's eight-ton vessel slid down the ways and into the river. A new era had begun, one that would lift the community from poverty to riches. By the turn of the 19th century, the population had tripled. Six ships, a bark, 20 brigs, a scow, 16 schooners, and 12 sloops all hailed from the Kennebunk River, and all were in active commerce.

On May 22, 1776, more than a month before the Declaration of Independence, the town voted that "If the Honorable Congress should, for the safety of the colonies, declare themselves independent of the Kingdom of Great Britain we, the inhabitants of Arundel, do solemnly engage, with our lives and fortunes, to support them". When the Declaration was received, it was recorded in the town book. Benjamin Durrell, John Whitten, Gideon Walker, John Hovey, and Charles Huff were chosen a Committee of Correspondence, Inspection, and Safety. The population of Arundel at that time was 1,143.

After the surrender of the British army under Lord Cornwallis, it became evident that the government in London had given up all expectations of conquering their former colonies. On September 3, 1783, a treaty of peace, recognizing the independence of the United States, was signed in Paris. With peace at hand, the more adventurous citizens could build careers as sailors and captains. Some grew wealthy, and most were able to make significant gains over the lifestyles known by their forefathers. With a sound economic base, an ever-increasing population could be supported.

Real estate values soared, with some land selling for more than $1,000 an acre. Newer and larger homes were built. In the area surrounding Durrell's Bridge, seven shipyards rose on the banks of the river. "Here," Kenneth Roberts tells, "between 1800 and 1820, were built 30 ships, 97 brigs, 27 schooners, 11 sloops and a large number of smaller craft. All the roads to that busy spot were cluttered with material needed by shipwrights." In fact, the area became so successful as a shipbuilding and trading center that, in 1800, Arundel was established as a separate customs district with its own customs house (the building which now houses the Graves Memorial Library).

In one way or another, the entire population linked its fortunes to the sea. It took many skills to build a ship, and experienced craftsmen did virtually all of the labor. Carpenters, sailmakers, blacksmiths, caulkers, painters, and adzemen were only a few of the skills required by the yards. These were not easy jobs, but they were jobs of which a man could be proud. To be considered the best trunnel-borer, plank-liner, or rigger was a mark of distinction. In addition, as this local industry grew, so did the demand for supporting goods and services. Merchants were able to create healthy businesses, traders found a ready market for their goods, and farmers could easily dispose of their crops.

High quality granite was being quarried by several local companies in the early 1800's and hauled by ox team to Goose Rocks Beach for shipment to many destinations. During this period, Kennebunkport became one of the busiest ports in Maine: between 1800 and 1825 more than $1,000,000 in duties was collected on cargoes being imported.

As commercial activity increased, the citizens followed the retreating forests inland and built towns on the rivers down which logs were floated to the coastal shipyards. Ships built in Kennebunkport carried lumber, ice, lime, and fish all over the world. They were helped by the fact that Maine is ideal for seafaring. The distance between Kittery and Eastport is 250 miles as the crow flies. The shoreline accessible to the sailor, however, is roughly 2,500 miles because of the broken coastline. There are more than 3,000 streams and rivers bringing water to the shore and serving as avenues for commerce inland. The average tide is 8.7 feet.

The years passed, and the size of vessels being built on the Kennebunk River gradually increased. In 1805, the first vessel of more than 300 tons burden was built and floated downriver by means of an ingenious system of locks. A decade later, vessels of 400 tons were being launched and it became necessary to move many shipbuilding operations from the Landing to the lower end of the river.

Kennebunk was well known in the business world by the year 1820. However, the towns of Wells and Arundel, which comprised the commercial district, were largely unknown. As a result, in 1821, Arundel took the more awkward name of Kennebunkport.

In 1874, the "Ocean King", the largest sailing vessel built up to that time in the United States, was launched in the Kennebunk River. But, despite the glory of the moment, the local shipbuilding industry was in trouble. The building of wooden ships had slowed since the Civil War, and vessels made of iron and steel were displacing traditional wooden ships.

Maine, with its remote location and dwindling lumber supply, could not compete. Though a demand for coastal schooners kept the local shipyards open for a while, it became clear that times were changing, and the economy of Kennebunkport would have to adjust. Census figures reflected some of that change. The census of 1830 had listed 2,763 people as living Kennebunkport: by 1870, the population had declined to 2,372.

The prosperity and growth brought by the shipbuilding industry was fading. Even more alarming was the fact that no replacement was in sight, and transition was inevitable.

IV. THE YEARS OF THE SUMMER VISITOR

The railroad brought the summer visitor, whose journey to Kennebunkport was made possible by inexpensive rail fares. It must have seemed ironic to the local seamen that the end of their careers was a part of the town's economic rebirth.

Although visitors had been coming for years, it was not until the arrival of the Sea Shore Company that Kennebunkport acquired its reputation as a summer resort.

In 1870, four men from Arlington, Massachusetts conceived the idea of developing a vacation community. They chose for their investment the beautiful rocky shores of Kennebunkport. The land they wished to develop was considered to be nearly worthless by its local owners. It offered no safe havens for fishing boats, and it had no value for pastureland or farming. Only a small dirt road connected this shore property with the Town Square. The modest sums offered by the developers must have seemed magnificent to the native owners. That is, of course, until they later learned about the selling prices for the subdivided parcels.

By 1873, the Sea Shore Company had purchased nearly 700 acres of prime land along five miles of coastline, extending from Turbat's Creek to Lord's Point. A map was drawn up showing the locations of several house lots, parks, roads, and four hotels. Traditional names were changed to appeal to a new clientele. "Bouncing Rock", for instance, became "Blowing Cave"; "Great Pond" became "Lake-of-the-Woods". Street names reflected the origin of the town's new residents: Arlington, Boston, Haverhill, and so on.

Where today's "Colony" stands, the Sea Shore Company built "Ocean Bluff Hotel", a wooden four-story structure which could accommodate up to 200 patrons. For a room and board rate of $3.00 per day, the patrons could enjoy "unsurpassed cuisine" and also "first-class accommodations". They also received the "healthful and varied pleasures" that the Maine coastline had to offer. Most important to the townspeople, they provided jobs.

Many citizens needed extra income, and the town needed a broader tax base. Although many regretted the changes which were taking place, the town invested in its own future by granting the Sea Shore Company a five-year tax exemption to help them enhance the value of their properties. The course for Kennebunkport had been set.

By 1900, a true summer colony had been established in Kennebunkport. A major addition to the town came with the construction of the Atlantic Shore Line trolley system. It not only carried visitors to their destinations, but also freight to local businesses and coal from the harbor at Cape Porpoise to the mills at Sanford. Thanks to easy access, the summer visitors could enjoy the pleasure of a casino, which had been built overlooking the harbor at Cape Porpoise.

But for all of the summer activity, the "age of the summer visitor" was only seasonal. The town was crowded from June to September, but by autumn it would be returned to the natives. Even the summer disruption was somewhat passive in nature. The horse and buggy did not encourage frequent, far-ranging expeditions.

Although the river saw great activity, canoeing was the order of the day. This must have seemed terribly mild to those who remembered the times when shipyards had crowded the banks.

An interesting feature of the "years of the summer visitor" was that the population included such well-known writers as Booth Tarkington and Kenneth Roberts, and a number of art galleries exhibiting the works of talented artists. Booth Tarkington's enormous summer home, now divided into four large condominiums, was known as "the house that Penrod built" because of the very popular fictional character that Tarkington created.

Unfortunately, the seasonal nature of summer visitor revenue did not provide year-round income, and the population continued to fall. In 1880, it was 2,405. By 1900, it had fallen to 2,130 and 30 years later it had dropped to 1,284, about half what it had been 100 years earlier.

A new economy was developing in the United States, with the automobile exerting an increasing impact on the way people lived, worked, and vacationed. Kennebunkport again faced change. The population began to rise steadily, and a new chapter was beginning: suburbanization.

The transition period for Kennebunkport was punctuated by a major national event when George Bush, a third-generation summer resident of the town, was elected Vice President and later President of the United States. The languid atmosphere of former summers was changed dramatically by the presence of the Secret Service, the news media, and even heads of state from abroad.

V. INTO THE 21ST CENTURY

It was August 1961, and in Kennebunkport more than just the weather was hot. Lines were being drawn, both on maps and between citizens. The issue was zoning, and for the first time, townspeople were being faced with the prospect of having restrictions placed on the use of their land.

In more than 300 years of local history, in time of wealth and in times of deep poverty, one fact had never changed: A man had a right to do with his land just as he pleased. People whose families had struggled for generations to make a living from the sea were an independent lot. They guarded their liberties jealously and didn't take kindly to this kind of rule-making. And yet, a new issue was facing the community. Those "from away" were moving into Kennebunkport in ever-increasing numbers. The town was changing, and many argued that some individual rights would have to be sacrificed for the good of all. The "years of the summer visitor" were giving way to an age of suburbanization.

Each chapter of local history has left its distinct mark on the town. The early troubled years of settlement bred a self-dependent citizenry, tied to the land and supported by the sea. The shipbuilding years strengthened the town's commitment to a nautical way of life. As the area grew from poverty to riches, those who lived here remained a homogeneous people, dedicated to the maritime economy, which had evolved naturally from the coastal location.

When shipbuilding declined, Kennebunkport became home to a thriving summer colony. Hotels welcomed thousands of guests each season, and new businesses opened to cater to this new clientele. The influx of summer visitors could be viewed as a seasonal inconvenience to most natives. However, by the 1960's, larger personal incomes and the improved transportation system made it obvious that the tide of people "from away" was a permanent trend.

Many of the people who came would not be leaving on Labor Day. They came with their families in search of a "better life". The population of Kennebunkport (between 1960 and 1986) rose from 1,851 to 3,356 year-round residents. The 2000 census figure lists the total population as 3,720. Growth has necessitated the building of new schools and increased the need for public services. New buildings to house the Police Department, the Village Fire Department and the Public Health Nurses have been constructed and renovations to the Town Hall have been completed within the last five years.

With the increasing number of businesses oriented towards the tourist trade, it is hard to deny that Kennebunkport businesses have become dependent on summer visitors. The economic downturn in the early 90's revealed how dependent on tourists the town businesses have become. Even though year-round residents, summer people, and long-term visitors continued to support the economy, the mini-recession was painful for many local enterprises. Beginning in 1994, however, the tourist trade grew once again, the fastest expansion being noted in those who visit Kennebunkport only for a day. Residents are now beginning to question how desirable are these "day-trippers", complaining that they clog Dock Square and require added town services, while contributing little to ease the tax burden to pay for these services. Critics focus on tour buses, which they say are noisy, smell unpleasant and congest the narrow streets. The solution seems elusive. Parking for the tour buses is also a controversial issue: "no one wants it in their backyard." Nearly every opinion survey strongly shows a desire to control the number of buses, yet the residents failed to support an ordinance to establish an enterprise account for the purpose of providing an ongoing means to fund the operation and management of the Tour Bus Reservation System. How to manage the buses is an ongoing problem that will require the input and the support of the town government, merchants, and residents to obtain a satisfactory solution.

It seems that the primary characteristics of our community will be changing more in the next 20 years than they have in the past 350. This will happen not only as a result of tourism, but also as an effect of urbanization and the spin-off effects of rising property values and taxes, especially on waterfront property.

In 2002, train service between Wells and Boston became operative: no one knows what impact this will have on Kennebunkport. Growth is an issue, which is beset with complications and contradictions. Those who move to Kennebunkport do so to take part in a lifestyle they have come to love. Many become active in the community and work hard to make this an even better place to live. However, the problem is not with individuals but with total numbers. A Growth Management Ordinance was enacted in November of 2002 in order to give the Town time to study what impact future growth will have on essential services and how to manage it effectively.

In a Cumulative Impact Project Report produced by the State Planning Office, Kennebunkport and eight other nearby towns were studied in order to record the cumulative impact on growth. Between 1970 and 1980, there was a 64% population increase in the nine-town study area, compared with a 20% increase in York County as a whole and 13% in the entire state. Between 1990 and 2000 there was 10.8% increase in the total population of Kennebunkport, slightly below the 13.5% increase for York County as a whole. The rate of growth for the state was 3.8%.

The projections suggest that growth in our area will continue. It can generate an undesirable sequence of events. More people in town throughout the year means that water and sewer systems must be enlarged, and the costs of doing so passed on through the real estate tax and user fees. Road networks, though they are improved, will become congested. Schools have to be expanded at the expense of the taxpayer. As town government grows, it inevitably becomes more bureaucratic and less personal.

With growth, beaches become crowded and so do traditional sites for camping, fishing, and picnicking. As development increases, property owners are closing many woodland areas to hunting and recreation and access ways to the shoreline and other paths over private land that the public had used. Wildlife habitats are disrupted, and rivers and harbors become cramped as fishermen and pleasure boat owners compete for space. To carry the scenario full circle, as real estate values soar and the taxes rise, the working poor and the middle class find themselves seeking homes in either the inland towns or in the more northern communities. There is a fear that natives will not be able to earn a high enough wage to afford the cost of living in Kennebunkport. The cultural heritage that started with the first English fisherman is in jeopardy.

Growth in Kennebunkport cannot, and probably should not, be stopped. However, it can be managed. As with the battles that took place 35 years ago over zoning, there will undoubtedly be differences about how we accomplish this: but we must try.

In the year 2003, the Town will celebrate the 350th anniversary of the existence of Kennebunkport as a corporate body under legislative control. We have a lot to celebrate. The past stewards of Kennebunkport have kept a watchful eye over this town we love.

We, who are stewards of the town today, have the same responsibility to succeeding generations. We need to preserve our rich historic background, guard our fragile environment, and manage future growth so as to enhance the quality of living for all the people of Kennebunkport.

Footnotes

1 Maine Indian Program of NE Friends Service Committee. The Wabanakis of Maine and the Maritimes. ME Indian Program. Bath, ME. 1989.
2 JP Mosher and AE Speiss. 1992 Field Season at the Hedden Site. Report for the Town of Kennebunk. July 1993. p. 4
3 Ibid. Mosher and Speiss. P. 10 &11.
4 Speiss, AE. Maine Historic and Archaeological Sites: Introduction and Management. Maine Historic Preservation Commission . p.1
5 Speiss, AE. Personal communication. March 17, 2003.
6 Maine Indian Program… p.A-4.
7 Ibid. p. A-7
8 Ibid p. A-8-9.
9 Speiss, AE> Personal Communication. March 17, 2003.
10 Ibid p. A-10
11 Eastman, Tom. Professor of History, University of Southern Maine in a lecture. Feb. 1990.
12 Bradbury, Charles, History of Kennebunkport. 1837.p.4

September 2, 2003

CHAPTER III. A VISION FOR KENNEBUNKPORT

In the fall of 2001, the Growth Planning Committee hosted a two-day session to develop a "vision" for the future of Kennebunkport. The following excerpts are based on the opinions of those citizens attending the town visioning sessions on October 19 and 20, 2001, as compiled by Planning Decisions, Inc.

I. CHARACTER OF THE COMMUNITY

Kennebunkport has a small-town charm derived from the distinct areas that comprise the Town as a whole: Cape Porpoise, Dock Square, Goose Rocks, Turbat's Creek, Cape Arundel, the Village, Wildes District, and Town House. Each area evokes a distinct feeling. Yet each also shares a common Kennebunkport heritage of historic New England colonial and shingle-style homes, sidewalks and shade trees, views of the shore and the forest, working waterfronts and farms, proud churches and locally-owned stores. The Town is peaceful and safe, with excellent municipal services. Kennebunkport is a good place to raise children. Its people are friendly, caring, and involved in community life.

Kennebunkport also has a lively cultural life. From its diverse and talented citizens, Kennebunkport has created good schools, fine libraries, a historical society, conservation groups, service clubs, and an array of interesting art galleries, restaurants, and stores. When people need more, they can take an easy drive from Kennebunkport to Portland or Portsmouth, or to Boston, or to several major airports for points further away.

II. DISTINCTIVE FEATURES

The identity of Kennebunkport is captured in its well-known places such as the historic homes in the Village, Dock Square, and the village at Cape Porpoise. But there are many other smaller places that are also special to Kennebunkport's identity.

III. VILLAGES AND AREAS

Here is the vision that emerged from the participants at the visioning process for how Kennebunkport's distinctive villages and areas might look several years in the future.

Cape Porpoise will remain an unpretentious, livable community. Its homes will reflect its diverse year-round population – including fishermen – and will be modest in scale and affordable. The harbor will be home for fishing and lobster boats as well as pleasure craft. The village stores will be oriented towards basic goods, such as groceries and hardware. The village itself will be walkable, with maintained and extended sidewalks. For those seeking a longer walk, there will be bike paths and walking paths. Streets will remain narrow, and automobile traffic will be minimized. The area's 19th Century feel will be preserved.

Goose Rocks Beach will retain its flavor as a family-oriented area with cottage-style houses. The beach will remain uncrowded and walkable, with public bathrooms and public access. The beach patrol will manage boat and jet-ski use, and dogs will be controlled. Wildlife areas and the piping plover will be actively protected; more land will be in conservation easements. New buildings will be in scale with those already there. The Route 9 area is one where new village-scale residential development may be considered for the future. If more parking is needed, it will be away from the beach.

Dock Square will remain primarily a retail center. Its stores will include day-to-day convenience items as well as high quality, locally owned galleries and shops. The historic architecture will be strictly maintained, and buildings will stay in scale with the area. The commercial area will cover the same area it does now – it will not expand. The appearance of Dock Square will be improved by burying utility lines and screening dumpsters. Parking will be provided off-site, with connecting shuttles. There will be public restrooms.

The Maine Street/Village Residential area will remain the center for municipal services in town – with the Town Hall, fire station, and library. Improved sidewalks and bike paths will make it easier to get around. The tree canopy overhead will be encouraged and maintained. Historic homes and structures will be maintained;

none will be torn down. Traffic will flow smoothly and all-day parking restricted. Bed and breakfast establishments will be encouraged in historic buildings.

The Farm/Forest area will have an expanded Town forest, continuing farmland uses, free-range and domestic animals, hiking trails and picnic/recreation areas, wildlife refuges, watershed protection areas, and wilderness and open space. The character of the area will remain rural, with few public improvements. *(Note: This is an area needing intensive planning attention in the immediate future).*

Cape Arundel will retain its nineteenth century resort character, with the Colony Hotel, the Cape Arundel Inn, Walker's Point, St. Anne's, and the shingle-style houses. Parson's Way will remain open, the Colony Beach Road will remain unpaved, Wandby Beach will remain public. Better ways of moving tourists and visitors through the area will be found. New homes, as well as the reconstruction and modification of existing homes, will be in the same scale and style, and use the same materials as the older homes.

The Riverfront area will have a town dock and public access to the water. There will be visitor slips for those who want to come to Kennebunkport by boat. An improved sidewalk system will make walking in the area more convenient and safer. Government Wharf and fishing activities, as well as other marinas and yacht clubs, will be maintained. Buildings will be mixed in their use, and small in scale, as now. The river will be kept clean from pollution and protected from degradation. A maritime museum will be a place for teaching about the town's long maritime history.

The Town House area will develop as a small village, with a neighborhood of affordable housing and small convenience stores nearby. As much of this area is in Arundel, the area's future will be cooperatively planned with the Town of Arundel. Farms will remain in the area. This may be a location for parking for a shuttle or trolley to Dock Square. There will be converted hiking and biking trails.

IV. PRINCIPLES FOR MANAGING FUTURE GROWTH

The Town of Kennebunkport will need to accommodate more residents and visitors in its future. The goal is to do so in ways consistent with the character of the Town, in ways that preserve the distinctive landmarks of the Town, and in ways that enhance the villages and areas of the Town. With this in mind, here are some key principles to guide future growth.

1. ***Preserve existing village identities.*** Kennebunkport's unique villages and districts are part of its identity. New development should take place in a way that respects and even enhances the differences among the various areas, rather than

homogenizing the Town and blurring differences. At the same time, new development within the villages should maintain the character of that area and be compatible with the existing scale and style of construction.

2. ***Encourage new housing in designated growth areas.*** In the visioning sessions, citizens suggested that, as the population increases, the Town consider designating growth areas at Town House and in the Route 9 area of Goose Rocks Beach. The area between North Street and School Street will absorb the expanding village residential growth. The wisdom of these alternatives require technical study from the Growth Planning Committee, since any new village center will require innovative zoning policies and utility expansions. In general, new housing clustered in cohesive areas is the preferred pattern of development.

3. ***Encourage alternative means of transportation.*** Preserving the character of the Town and its villages will require reducing both the volume of automobile traffic and the need for on-site automobile parking. Affordable alternative transportation, a network of bike trails, sidewalks, and walking trails throughout the town for year-round residents, and a strategy for tourist/visitor management involving off-site parking lots and shuttles or trolleys, are all essential for the future quality of life in Kennebunkport. The Town should require new development to address alternative transportation issues.

4. ***Maintain the diversity of the population.*** Part of the quality of the community in Kennebunkport is its diversity, the fact that it includes young as well as old, fishermen as well as software consultants, old-timers as well as newcomers, and all income groups. To maintain a diversity of people, a diversity of housing types and costs must be maintained as well. This goal was strongly endorsed by participants in the visioning session.

5. ***Maintain good communications.*** Kennebunkport is distinguished by its friendly atmosphere and extensive participation by volunteers in community and civic functions. The way to keep involvement high, and to avoid "us vs. them" confrontations, is to maintain good communications through meetings, newsletters, web sites, and the like.

6. ***Keep the local elementary school***. This is a critical part of the small scale and personal feel of Kennebunkport and should be maintained.

7. ***Promote the performing arts.*** Culture and the arts are important components of the quality of life in Kennebunkport and the community needs to find ways to foster them.

8. ***Protect natural and scenic resources.*** The most frequently mentioned special places from the visioning session include beach and coastal areas, islands, brooks and rivers, open fields, and forests. These are important habitats for wildlife and plants as well as being valued by residents for their natural and scenic qualities. They are part of the essential and enduring character of Kennebunkport, and they must not be compromised by future development.

CHAPTER IV. COMMUNITY CHARACTER

I. BACKGROUND

As a means of gathering essential information about the attitudes and opinions of the population of Kennebunkport, the Growth Planning Committee (GPC) issued a lengthy survey questionnaire regarding many issues of importance to the taxpayers of the town. Responses from approximately 900 households (perhaps 1500 to 1800 people) were received (***see Appendix A***). In addition, state sponsored "Visioning" sessions were undertaken with about 100 in attendance; these meetings were designed primarily to determine which features of the town were considered most important and should be protected vigorously. For all practical purposes, the results of both the survey and the visioning process served to corroborate one another.

Analysis of the results clearly showed that of all the subjects discussed, those involved with the character of the town were rated highest in importance to our taxpayers. These character issues related to the attractiveness and ambiance of Kennebunkport and included, for example, preservation of the appearance of Cape Porpoise as a working fishing village, saving the historic homes in the town, water access, preservation of open lands, desirability of small, winding, tree-lined streets, traffic control issues, support of the lobstering business, low crime rate, local schools, etc. The overwhelming voter support for these issues clearly shows that we must identify, protect, and preserve the essence of the town's character to a maximum degree.

II. ANALYSIS AND CONCLUSIONS

Growth and change is inevitable, but in many cases, sadly, neither will improve the character of Kennebunkport. In one respect, preservation may restrict the rights of some residents to develop their property without burdensome regulations; on the other hand, uncontrolled growth impacts on the welfare of all the citizens. Striking a reasonable balance between these attitudes is challenging.

While every aspect of the town contributes to its overall physical character and ambiance, it is important to recognize that there are unique and highly visible features which separate Kennebunkport from other small Maine seacoast towns and make it a special place to live as well as an important tourist destination. Certainly, we should attempt to protect all areas of the town, but, in addition, preservation of these unique segments, which represent the *essence* of the town, must be maximized since deterioration of any of these elements would severely impact our lifestyle and go a long way toward destroying our tourist based economy and real

estate values. The GPC therefore has concluded that while most of the town can be protected by traditional means, e.g. zoning, critical edge rules, cluster housing, etc., the special sectors should be subjected to even more definitive and protective regulations.

The GPC has identified these critical places roughly as follows:

- Ø Cape Porpoise harbor and streets and land areas immediately adjacent thereto
- Ø Cape Arundel from the Colony Hotel through Walker's Point
- Ø The Village areas with their classic, historic Federal homes
- Ø Dock Square and the Riverfront
- Ø Goose Rocks Beach as a family-oriented, limited use public beach

All these areas deserve special, high levels of protection, not only from a physical point of view, but also from the viewpoint of maintaining an environment which is compatible with peaceful enjoyment of the active but relatively serene surroundings.

III. IMPLEMENTATION

This section of the Comprehensive Plan itemizes certain goals, policies, and strategies, that directly relate to the issue of character. However, it is clear that all other sections of the Plan must flow from, be influenced by, and subject to the essential requirements of character preservation.

TOWN GOAL 1: TO PRESERVE KENNEBUNKPORT PRIMARILY AS A RESIDENTIAL TOWN.

Policy 1: Establish controls and standards for new commercial growth that favor enterprises that provide necessary and/or desirable services for the residential population.

Strategy 1: Review permitted, conditional, and prohibited uses in all zoning districts with the intent of clarification and elimination of conflicts, inconsistencies, or uses inappropriate to the zone.

Responsibility: Planning Board
Timeframe: 2 years

Strategy 2: Define necessary and desirable services.

Responsibility: Planning Board
Timeframe: 2 years

Strategy 3: Establish land use regulations for the Cape Porpoise Square Zone, which restrict new business establishments to those that fulfill the basic needs of the fishing industry and/or the residential population of the town.

Responsibility: Planning Board
Timeframe: 2 years

TOWN GOAL 2: TO ENSURE PUBLIC PARTICIPATION IN TOWN GOVERNMENT.

Policy 1: Retain and encourage active public involvement in the town government.

Strategy 1: The voter-elected Board of Selectmen will continue to appoint resident volunteers to serve on the various boards and committees.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 2: Review the current "Town Meeting" form of government on an annual basis to make sure it is appropriate with the changing demographics of the town.

Responsibility: Board of Selectmen, Administration Code Committee
Timeframe: Annually

Policy 2: Offer easier access to services while communicating better with the public.

Strategy 1: Promote and improve the information and services available on the Town's web site. (www.town.kennebunkport.me.us/Home/)

Responsibility: Town Manager
Timeframe: Ongoing

Strategy 2: Consider adjusting Town Office business hours to allow for one evening or Saturday morning hours.

Responsibility: Board of Selectmen, Town Manager
Timeframe: 1 year

TOWN GOAL 3: TO PRESERVE THE DISTINCT COASTAL COMMUNITIES OF CAPE ARUNDEL, TURBAT'S CREEK/WILDES DISTRICT, CAPE PORPOISE, GOOSE ROCKS BEACH (GRB), AND THE VILLAGE/DOCK SQUARE/RIVERFRONT AREAS.

Policy 1: Maintain the visual and architectural character of these neighborhoods or communities.

Strategy 1: Establish a knowledgeable Architectural Review Board, with strong, specifically related credentials, representative of all districts to create an oversight process to ensure that new development and major changes to existing buildings maintain and reinforce the distinctive character of these communities. This shall include the historic fishing village character, appearance, and moderate and affordable type housing in Cape Porpoise and Turbat's Creek.

Responsibility: Board of Selectmen
Timeframe: 1 year

Note: The authority of the Architectural Review Board can vary over a very wide range from merely advisory all the way to developing strict regulations; decisions about the degree of authority in this matter are strictly up to the voters.

Strategy 2: The Board of Selectmen shall appoint a Historic Preservation Commission to coordinate efforts with the Architectural Review Board.

Responsibility: Board of Selectmen
Timeframe: 1 year

Note: The Historic Preservation Commission shall provide guidance and suggestions for maintaining the historical character of structures, sites, and districts.

Strategy 3: Update the geographic boundaries of each area and identify the key characteristics that need to be addressed to retain the distinctive character of each area.

Responsibility: Architectural Review Board
Timeframe: 2 years

Policy 2: Encourage and maintain well-designed sidewalks and bicycle paths.

Strategy 1: Town officials shall support and be guided by the Sidewalk Committee's ten-year plan for sidewalk improvements.

Responsibility: Sidewalk Committee
Timeframe: Ongoing

Strategy 2: Establish a capital expenditure fund for sidewalks and bicycle paths.

Responsibility: Sidewalk Committee, Board of Selectmen
Timeframe: Ongoing

Policy 3: Maintain water dependent activities.

Strategy 1: Maintain, keep open, and ensure that designating signs are in place for all public rights-of-way to tidal waters.

Responsibility: Highway Department
Timeframe: Ongoing

Strategy 2: Identify areas suitable for public water access for small craft and, if private property, work with landowners to gain cooperation for possible public use of their property.

Responsibility: Board of Selectmen
Timeframe: 2 years

Strategy 3: Encourage conservation easements.

Responsibility: Conservation Commission
Timeframe: Ongoing

Note: A conservation easement is a voluntary agreement between a property owner and a land trust or local government that limits or prohibits future development of the property. Land under conservation easement is taxed at a rate reflecting its reduced value.

Policy 4: Preserve Goose Rocks Beach as a safe, limited use, and family oriented beach.

Strategy 1: Maintain limited parking at present levels.

Responsibility: Board of Selectmen

Timeframe: Ongoing

Strategy 2: Discourage any efforts to bring substantial additional numbers of visitors via mass transportation.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Policy 5: Investigate the possibility of providing seasonal toilet facilities for public use in the Goose Rocks and Colony Beach areas.

Strategy 1: The Board of Selectmen shall establish a study group to investigate possible site locations and ways of maintaining the facilities if established.

Responsibility: Board of Selectmen
Timeframe: 1 year

Policy 6: Preserve ocean views.

Strategy 1: The Town shall use shoreland zoning regulations as a guideline to keep vegetation on town-owned properties trimmed.

Responsibility: Highway Department
Timeframe: Ongoing

Policy 7: Protect and maintain the character and ecological integrity of Goat Island Lighthouse, the Islands, and all other lands in town that are held in conservation.

Strategy 1: Encourage support of a cooperative agreement with the Kennebunkport Conservation Trust to aid in the establishment and enforcement of Trust land use policies.

Responsibility: Board of Selectmen, Kennebunkport Conservation Trust
Timeframe: Ongoing

Policy 8: Minimize non-destination large vehicle traffic.

Strategy 1: Designate non-destination large vehicle traffic routes.

Responsibility: Board of Selectmen
Timeframe: 1 year

Strategy 2: Post Town-owned streets and roads in appropriate residential areas banning use by non-destination large vehicles.

Responsibility: Board of Selectmen
Timeframe: 1 year

TOWN GOAL 4: TO SUPPORT THE FISHING INDUSTRY.

Policy 1: Continue to support Government Wharf and Cape Porpoise Pier.

Strategy 1: Fund projects necessary for the preservation of commercial fishing.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 2: Reserve an adequate number of mooring spaces for commercial fishermen only.

Responsibility: Board of Selectmen, Harbormasters, Kennebunk River Committee
Timeframe: Ongoing

Strategy 3: Analyze the parking problem, e.g. time of day usage, and establish and implement a plan to reserve parking spaces for commercial fisherman at Government Wharf and Cape Porpoise pier.

Responsibility: Board of Selectmen, Harbormasters
Timeframe: 1 year

TOWN GOAL 5: TO MANAGE THE TOURIST INDUSTRY.

Policy 1: Establish policies for parking to ensure a healthful and peaceful environment for residents and visitors.

Strategy 1: Unloading, parking, and loading of tour buses must be located in an area where their visibility and the noise and odor of idling buses are minimal.

Responsibility: Board of Selectmen
Timeframe: 1 year

Strategy 2: Investigate remote parking facilities and coordinating shuttle service for all vehicles in the Kennebunk, Kennebunkport, and Arundel area.

Responsibility: Board of Selectmen
Timeframe: 2 years

Strategy 3: Ensure the accessibility of emergency vehicles on all roadways by restricting street parking in applicable areas.

Responsibility: Board of Selectmen, Fire Services, Police Department
Timeframe: Ongoing

Policy 2: Establish traffic flow control ordinances, which will reduce congestion and provide a healthful, safe, and peaceful environment for residents and visitors.

Strategy 1: Investigate methods of reducing congestion by encouraging non-destination vehicles to bypass Lower Village, Dock Square, and the Bridge. This shall include but not be limited to the following:

a. Use of Durrell's Bridge as a bypass route. (May be considered a positive step by both Lower Village and Kennebunkport.)
b. Use of signage on Route 95, which suggests that Exit 4 may be the preferable route to those wishing to visit Kennebunkport beaches, and those beaches further east.
c. Use of trolleys (See Transportation Chapter XIV) for more information.

Responsibility: Board of Selectmen
Timeframe: 2 years

Strategy 2: Continue to develop and improve on existing ordinances and systems, which will reduce and/or level out large peaks in vehicular and pedestrian traffic.

Responsibility: Board of Selectmen
Timeframe: 2 years

Policy 3: The Towns of Kennebunk, Kennebunkport and the respective business communities of Kennebunkport and Kennebunk Lower Village should be encouraged to share the responsibility of managing tourism in

Kennebunkport and the Lower Village area to ensure the safety and enjoyment of residents and visitors.

Strategy 1: Coordinate efforts to manage traffic, parking, and visitor toilet facilities.

Responsibility: Board of Selectmen
Timeframe: Ongoing

TOWN GOAL 6: TO PRESERVE AND MAINTAIN OUR WINDING TREE-LINED STREETS AND ROADS WHILE PROVIDING FOR PEDESTRIANS AND BICYCLES.

Policy 1: Establish standards for easement and pavement widths to ensure safety while preserving the visual attractiveness and historic nature of our roads.

Strategy 1: Residents shall be given public notice and allowed input prior to any planned alterations to Town and state-owned or state-supported roads.

Responsibility: Highway Department
Timeframe: Ongoing

Strategy 2: The Shade Tree Committee should continue to monitor, maintain the health and preservation of, and encourage the planting of roadside trees and to educate property owners regarding the benefits of tree conservation.

Responsibility: Shade Tree Committee
Timeframe: Ongoing

Strategy 3: Work with the Maine Department of Transportation (MDOT), local contractors, and developers to allow for addition of bicycle paths and sidewalks on existing streets and roads where appropriate.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 4: Require new streets and roads to have sidewalks and bicycle paths where appropriate

Responsibility: Planning Board

Timeframe: Ongoing

TOWN GOAL 7: TO MAINTAIN AN ELEMENTARY SCHOOL IN THE TOWN OF KENNEBUNKPORT.

Policy 1: Coordinate efforts with Town officials and the Directors of S.A.D. #71 to ensure the continuance of an elementary school in Kennebunkport.

Strategy 1: Establish and appoint a three-member committee consisting of one Kennebunkport S.A.D. #71 director, one Kennebunkport resident, and one Kennebunkport selectman to coordinate these efforts.

Responsibility: Board of Selectmen
Timeframe: 1 year

Strategy 2: Identify and/or purchase land if necessary to ensure the continuance of a community elementary (minimum K-6) school in Kennebunkport.

Responsibility: Board of Selectmen, S.A.D. #71 Board of Directors
Timeframe: 4 years

TOWN GOAL 8: TO PROVIDE SUPPORT TO THE VARIOUS TOWN BOARDS, COMMITTEES, AND THE COMPREHENSIVE PLAN.

Policy 1: Determine the necessary professional services needed to comply with the Comprehensive Plan.

Strategy 1: Determine necessary funding requirements.

Responsibility: Growth Planning Committee, Town Planner, Town Manager
Timeframe: 2 years

Strategy 2: Submit the proposal to the Board of Selectmen for consideration of voter's approval at the Annual Town Meeting.

Responsibility: Growth Planning Committee, Town Planner, Town Manager
Timeframe: 2 years

Policy 2: The Growth Planning Committee (GPC) shall be responsible for monitoring compliance with the Comprehensive Plan.

Strategy 1: The Growth Planning Committee shall review the progress in implementing the goals of the Comprehensive Plan every six months and make recommendations whenever necessary to the responsible party for implementation and compliance.

Responsibility: Growth Planning Committee
Timeframe: Six months

September 2, 2003

CHAPTER V. HISTORIC AND ARCHAEOLOGICAL RESOURCES

I. INVENTORY

Four types of historic and archaeological data are included in this section:

A. Prehistoric Archaeological Sites – Native American, before European arrival
B. Historic Archaeological Sites – Mostly European-American, after written historical records
C. Historic Structures – Buildings and other above-ground structures
D. Cemeteries

A. Prehistoric Archaeological Sites

There remains little to remind us of the Native Americans who lived in this area prior to the arrival of the first European visitors. Along the Batson River, there are oyster and clamshell middens which are believed to mark the location of popular Indian eating places. Four prehistoric sites are known to the Maine Historic Preservation Commission (MHPC). To protect archaeological sites and landowner privacy, the exact locations are exempt from "right-to-know" legislation. However, their locations can be obtained with permission from the MHPC. These areas may be found in a general manner on maps in Town Hall. All four consist of shell middens in the coastal zone. The coastal zone and the four known sites need further survey, as do the edges of Smith, Batson, and Little Rivers.

Source: Arthur Spiess, Archaeologist, Maine Historic Preservation Commission, March 2001

Little in the way of mandated state and/or municipal protection is provided for prehistoric or historic archeological sites.

B. Historic Archaeological Sites

The first English fishermen who visited these shores in the early 1600's established their North American bases on Stage and Fort Islands, located on Stage Harbor, which lies just east of Cape Porpoise Harbor. When some of them decided to spend the winter here, a substantial shelter became necessary, and traces of cellar holes can still be found on these islands. It is believed that a fort for defense against the Indians gave Fort Island its name, but no trace of the fort can be seen today. Stage Island received its name from the stages that were built for curing fish. There was

one archaeological dig on the islands recorded in the 1800's. Several of the islands may have been inhabited, but no archaeological studies exist to confirm this.

In the early 1700's, as the colony grew, more forts were constructed. The site of one garrison, believed to have been built in the 1720's, is located near the Nonantum Cemetery at the intersection of East Avenue and South Maine Street. A few years later, the town was ordered by the government of the Massachusetts Colony to build a garrison to serve Cape Porpoise. Subsequent deeds show that it was constructed as ordered on Stone Haven Hill, which is on Pier Road just northwest of the causeway leading to Bickford's Island.

In order to foster communication along the shoreline of the colony, the English crown subsidized a pathway which came to be known as the "King's Highway". A track passable for a man on horseback was cleared through the woods and means were provided to cross the many streams that ran perpendicular to the shoreline. Where the "Highway" crossed the Kennebunk River, ferry service was provided. This service was still available well into the 1950's and was used mainly by people wanting to enjoy Gooch's Beach across the river in Kennebunk. To cross smaller streams, large flat "stepping stones" sufficed. Such stones can still be seen crossing Tyler Brook, just off Route 9, in two locations.

Another activity for which there is visible evidence was granite quarries. By the year 1800, local granite was being used for building foundations, and the breakwaters at the entrance to the Kennebunk River were built of this same material. The quarries themselves, and the foundations of the associated horse barns, can still be seen off Beachwood Avenue. Two small islands in front of the lighthouse were also quarried.

Table V-1: Historic Archeological Sites

Name	**Description**	**Date**
Stage Island Fort	English Fort	17th Century
Cape Porpoise Settlement	English Settlement	17th – 18th Century
Kennebunk Point Fort	American Fort	19th Century
"Wandby"	English Wreck	20th Century
Dow Inscriptions	American Experimental Artifacts	20th Century
"Charles H. Trickery"	American Wreck, Schooner	
"J.H.G. Perkins"	American Wreck, Schooner	20th Century
"Jonathan Sawyer"	American Wreck, Schooner	20th Century
"Mary E. Plys"	American Wreck, Schooner	20th Century
"Mildred V. Nunan"	American Wreck, Schooner	20th Century
"St. Therese"	American Wreck, Screw	20th Century
"A.F. Kindberg"	American Wreck Schooner	20th Century
"Idlewild"	American Wreck, Gas Screw	20th Century
"Houri"	American Wreck, Gas Screw	19th-20th Century

"R.P. Tibbits"	American Wreck, Gas Screw	20th Century
"Frank L."	British Wreck, Schooner	19th Century
Unnamed Vessel	Unidentified Wreck	Unknown
"D.C. Smith"	American Wreck, Schooner	19th Century
"L.D. Wentworth"	American Wreck, Schooner	19th Century
"Alabama"	American Wreck, Schooner	19th Century
"Daisey Queen"	American(?) Wreck, Schooner	19th Century
"Kittie Clark"	American Wreck, Schooner	19th Century

Source: Robert Bradley, Archaeologist, Maine Historic Preservation Commission, March 19, 2001

C. Historic Structures

Kennebunkport is fortunate to have a remarkable number of old, well-preserved homes, schools, and commercial buildings. Although the Town does not currently have a local historic district, two areas in town are listed in the National Register of Historic Places, the shingle cottages in the Cape Arundel area and the historic buildings in the Maine Street/Dock Square area. Because of this designation, these areas are protected from state and federal action such as road widening or construction.

There are also seven specific properties in Kennebunkport that are listed in the National Register of Historic Places:

Date Listed	Description	Comment
9/7/73	Perkins Tide Mill	Since destroyed by fire
9/20/73	Captain Nathaniel Lord Mansion	
1/18/74	U.S. Customs House	Now Graves Library
9/9/75	Kennebunk River Club	
4/23/80	Abbott Graves House	
11/14/80	Maine Trolley Cars	Cars are at Trolley Museum
3/23/88	Goat Island Light Station	

A National Register listing cannot be made without the consent of the property owner or (in the case of a district) property owners. The designation as a National Register Site has some modest benefits:

- It honors the property by recognizing its importance to its community, state or the country;
- Consideration in the planning of federal or federally assisted projects;
- Possibility of federal investment tax credits for rehabilitation;

- Qualification for federal assistance when such funds are available.

A National Register listing does not prohibit owners from doing anything to their house (unless federal dollars are used) nor does it obligate owners to open their properties, maintain them in a certain condition, or even restore them.

During the winter of 1975, in honor of the nation's bicentennial, the Kennebunkport Historical Society offered to place plaques on buildings 100 years old or older, the plaques to show the date of construction and the name of the first owner. A committee from the Society conducted considerable research to make these dates as accurate as the available records would allow. Some 78 plaques were affixed to buildings within the Town of Kennebunkport. The great majority of these buildings are houses, and a few are former schools now being used as homes. Note that 61 of these buildings are now over 150 years old and that 26 date back to the 1700's.

The majority of these buildings have received excellent care from their recent owners and are a pleasure to look at. While we do not have a map showing where these buildings are located, they are easy to spot because of the white salt-box-shaped plaque that is usually affixed on the exterior near the front door. The next step in this process may be to map and inventory these structures/sites. Towns who go through a process of mapping and inventorying their historical sites can be eligible to become a Certified Local Government through the National Park Service. Such a designation opens up grant opportunities for historical preservation as well as specialized technical assistance. Grants are sometimes available to seek the designation.

In May 2001, the Board of Selectman appointed an Historical Committee to look into the need for an historical ordinance. Such efforts have not been successful in the past but with the recent building pressures and the issue of sprawl clearly on people's minds, there may be an increased awareness of the value of the towns historical character. A survey conducted as part of this comprehensive planning effort found that 74% of the respondents "strongly agreed", and 15% "agreed", that it was important to support Town efforts to preserve the Town's historical character.

D. Cemeteries

Those with an interest in history will be fascinated by the cemeteries in Kennebunkport and by the often-poignant inscriptions on the headstones found there.

The Town of Kennebunkport does not own any cemeteries and, within the boundaries of the town, there is only one active cemetery: the Arundel Cemetery, located at Town House where North Street and Log Cabin Road meet. Nevertheless, there are believed to be at least 70 private cemeteries within the town, most of

them small plots serving just one family. A listing of these cemeteries, and a map showing their locations, is available in the Town Office. In about 20 of these, no headstones remain, although traces of corner posts and rails can sometimes be seen. Others can be identified only by tradition or by mention in land deeds. Sometimes the headstones have been preserved, but the cemetery itself has disappeared. For example, the stones from the Stone Haven Hill Cemetery were removed to Arundel Cemetery because they were endangered by the ocean, and the Stage Island Cemetery was washed away completely.

Some headstones bear witness to the perils of the maritime livelihood which so many Kennebunkport residents pursued. In the Nonantum Cemetery lies James Murphy, who was lost in the wreck of the barque "Isadore" in 1842. In the Bass Cove Cemetery (at one time known as the Kennebunkport Cemetery or Village Cemetery, and often referred to as the Tomb Cemetery) are stones of Captain Leander Foss, 15-year-old seaman George Lewis, and cabin boy George Davis, all of whom died in that same wreck. In the Merrill Family Cemetery, the stone of Benjamin Merrill tells us that "after a long life spent on the ocean he perished by the filling of a boat off Kennebunk".

All Kennebunkport cemeteries are listed and described, with inscriptions and some snapshots, in a notebook which is available at the Kennebunkport Historical Society.

II. ANALYSIS AND CONCLUSIONS

Kennebunkport has a rich and varied history. Many sites still exist that provide visual proof of the Town's history. There are, however, lingering concerns that our current Land Use Ordinance seeks only to maintain local character and does not adequately address historic sites. The islands are in Resource Protection, as are parts of Tyler Brook and the Batson River. Whether this protection is sufficient remains to be tested. Some expansions or remodeling of some of the Town's older homes have not favored existing styles and this remains as an open area that site plan review does not specifically cover. To preserve our historic buildings and sites will require more than voluntary participation if we want to accomplish more than a piecemeal job.

Historic districts have been attempted on two occasions. One was soundly defeated and one never made it to a vote. A more recent effort began in May 2001 when the Board of Selectmen appointed and charged a Historical Committee to look into the need for an ordinance. The committee completed their work in 2002 with an excellent and extensive report and a recommendation for approval of funding to hire a Preservation Planning Consultant. Kennebunkport voters approved funding for the position, and a consultant is currently working with a special committee researching and drafting language to protect the two local areas listed on the National Register of Historic Places.

III. IMPLEMTATION

STATE GOAL: TO PRESERVE THE STATE'S HISTORIC AND ARCHAEOLOGICAL SITES.

TOWN GOAL 1: TO PROMOTE AND PRESERVE THE KNOWLEDGE AND INTEGRITY OF LOCAL HISTORY AND HERITAGE.

Policy 1: Establish and appoint volunteers to a standing Historic Preservation Commission.

Note: It will be the responsibility of the Historic Preservation Commission to fulfill the goals, policies, and strategies of this chapter.

Responsibility: Board of Selectmen
Timeframe: 6 Months

Policy 2: Preserve historical documents.

Strategy 1: Organize, index, preserve, and safely house the Town's historic documents.

Responsibility: Historic Preservation Commission, Town Clerk
Timeframe: 3 years

Strategy 2: Provide public access to historic records on the Town's web site. www.town.kennebunkport.me.us/Home/

Responsibility: Historic Preservation Commission, Town Clerk
Timeframe: 3 years

Strategy 3: Provide funds for organization, indexing, and public access.

Responsibility: Board of Selectmen
Timeframe: 2 years

Policy 3: Promote awareness of the Town's history.

Strategy 1: Consider implementing a local history program at the Consolidated School

Responsibility: Historic Preservation Commission
Timeframe: 2 years

Strategy 2: Consult with, and coordinate efforts between, local historians, residents, and parents, friends, and teachers of Consolidated School for the possible implementation of such a program.

Responsibility: Historic Preservation Commission
Timeframe: 2 years

TOWN GOAL 2: TO PRESERVE PREHISTORIC AND HISTORIC ARCHAEOLOGICAL SITES.

Note: An index of Prehistoric and Historic sites and structures can be found in the 2002 report of the Kennebunkport Historical Committee. This report is an excellent source for information pertaining to town historic structures, sites, and special characteristics. It is available for public review at Graves Library. Maps are located in the Town Office.

Policy 1: Protect and preserve prehistoric and historic sites

Strategy 1: Contact the Maine Historic Preservation Commission for guidance and information related to sites that contain important information about the prehistoric history of Native Americans and their culture.

Responsibility: Conservation Commission, Historic Preservation Commission
Timeframe: 2 years

Note: The general location of archaeologically sensitive areas is available in the Town Office.

Strategy 2: Develop and propose an ordinance to protect from disturbance the general areas containing artifacts of prehistoric and historic importance.

Responsibility: Conservation Commission, Planning Board, Historic Preservation Commission
Timeframe: 2 years

Strategy 3: Educate owners and developers of identified properties to enhance their knowledge of the importance of archaeological remains, and gain their cooperation to ensure that prehistoric and historic sites are held in an undisturbed state for possible future studies.

Responsibility: Conservation Commission, Historic Preservation Commission
Timeframe: 2 years

Strategy 4: Coordinate efforts with the Kennebunkport Conservation Trust to preserve historic English fishing settlements and historic and prehistoric Native American use of the Cape Porpoise Islands.

Responsibility: Conservation Commission, Historic Preservation Commission
Timeframe: 2 years

Strategy 5: Encourage professional archaeologists to study all prehistoric and historic sites.

Responsibility: Conservation Commission, Planning Board, Historic Preservation Commission
Timeframe: 2 years

TOWN GOAL 3: TO PROTECT AND PRESERVE HISTORIC STRUCTURES AND DISTRICTS.

Policy 1: Preserve historic and architecturally significant structures

Strategy 1: Financially support a Preservation Planning Consultant and the committee appointed by the Board of Selectmen in their efforts to research and draft language that would protect the two areas currently listed on the National Register of Historic Places. (Village Residential/Dock Square and Cape Arundel)

Responsibility: Board of Selectmen
Timeframe: 1 year

Note: The National Register considers designating historic buildings, sites, or districts that have significant local, state, or national value. A listing on the Register does not protect them from destruction or architectural changes unless federal funds are used for a project that may affect the historic integrity.

Strategy 2: With knowledge gained from the current study, survey and consider protective measures for all historic and architecturally distinctive structures in town.

Responsibility: Historic Preservation Commission
Timeframe: 2 years

Strategy 3: Establish an historic preservation ordinance.

Responsibility: Responsibility: Historic Preservation Commission, Board of Selectmen
Timeframe: 2 years

Note: The Historic Preservation Commission shall provide guidance and suggestions for maintaining the historical character of structures, sites, and districts.

Strategy 4: Establish the procedures by which the Planning Board and the Zoning Board of Appeals shall request and receive the recommendation of the Historic Preservation Commission prior to approval of an application for changes affecting historic buildings, sites, and districts.

Responsibility: Planning Board, Zoning Board of Appeals, Historic preservation Commission
Timeframe: 2 years

Strategy 5: Educate property owners regarding the historical importance of their property and the possibility of receiving historic preservation tax incentives to encourage restoration and preservation.

Responsibility: Historic Preservation Commission
Timeframe: 2 years

Note: On November 3, 1999 Maine voters approved authorization of legislation for local option property tax reimbursements for historic and scenic preservation. For more information on historic preservation see: www.state.me.us/mhpc/ Also, federal income tax laws include tax incentives for historic preservation.

Strategy 6: Investigate the possibility of the Town becoming a Certified Local Government.

Responsibility: Historic Preservation Commission
Timeframe: 2 years

Note: See the Inventory section of this chapter and www.state.me.us/mhpc/ for more information. Statement of purposes from the above web site:

The purposes of the Certified Local Government Program are: (1) to ensure the broadest possible participation of local governments in the national historic preservation program while maintaining standards consistent with the National Historic Preservation Act, and the Secretary of the interior's Standards and Guidelines for Archeology and Historic Preservation; (2) to enrich, develop, and help maintain the preservation of prehistoric and historic sites, structures, objects, buildings, and districts by establishing and maintaining local historic preservation programs in partnership with the SHPO (State Historic Preservation Offices) and MHPC (Maine Historic Preservation Commission); and, (3) to provide financial and technical assistance to further these purposes.

Policy 2: Preserve areas of historical importance

Strategy 1: Delineate boundaries and attempt to preserve as part of town history, the heritage and sense of continuity, identity, and belonging that is associated with the various neighborhoods, villages, districts, and rural areas that historically denote the character of Kennebunkport.

Responsibility: Historic Preservation Commission, Planning Board
Timeframe: 2 years

Strategy 2: Special consideration should be given to Cape Porpoise Village in an attempt to protect that which remains visible of the Town's earliest and continuous history as a fishing village with characteristically modest housing clustered around its waterfront and community center.

Responsibility: Historical Preservation Commission
Timeframe: 2 years

TOWN GOAL 4: TO PRESERVE CEMETERIES.

Policy 1: Restore, maintain, and protect cemeteries and burial plots.

Note: Arundel Cemetery Corporation is responsible for Arundel Cemetery

Strategy 1: Research and document all cemeteries and burial plots.

Responsibility: Cemetery Committee
Timeframe: Ongoing

Strategy 2: Seek permission from private property owners to allow access for restoration.

Responsibility: Cemetery Committee
Timeframe: Ongoing

Strategy 3: Enlist volunteers to work with the Cemetery Committee to restore all sites.

Responsibility: Cemetery Committee
Timeframe: Ongoing

Strategy 4: With permission of property owners, monitor and provide necessary maintenance on an ongoing basis.

Responsibility: Cemetery Committee
Timeframe: Ongoing

CHAPTER VI. MARINE RESOURCES

The Town of Kennebunkport is rich in marine resources compared to many of the other towns in coastal York County. The diversity of Kennebunkport's coastline provides a variety of marine environments, from the sandy beach of Goose Rocks Beach to the extensive flats surrounding the islands of Cape Porpoise to the tidal Kennebunk River. There are potentially productive clam flats and excellent harbors. Nevertheless, many of these marine resources are either not available for economic use or are threatened by man's activities.

I. INVENTORY

A. Water Dependent Uses

A significant portion of the Kennebunkport economy depends upon the advantages provided by the shoreline and its harbors.

A century ago, fishing was a major factor in the year-round economy of Kennebunkport. ~~As of 1994, however, it is doubtful that as many~~Research in 1994 indicated that as few as 150 households in the Town derive their support directly from fishing or shell fishing~~,~~. ~~and~~ It was also noted that tightening restrictions on the taking of both groundfish and shellfish make it likely that this number will decline in the future. Similarly affected will be a small number of additional households engaged in the handling, processing, transportation, wholesaling and retailing of seafood.

Investigation conducted ~~at the end of 1994~~during 2001 indicated that the fishing fleet based in Kennebunkport was approximately as follows:

Cape Porpoise: ~~42~~53 boats fishing for lobsters. ~~No shrimp or fin fishing~~Five seasonal shrimping and/or fin fishing boats. The number of boats may vary somewhat on a seasonal basis. In the winter, for example, some crews may double up, so that the number of boats decreases, although the number of fishermen involved remains the same.

Kennebunk River: ~~34~~ Statistics from the state's Department of Marine Resources identify 42 ~~locally owned boats~~commercial ~~ing~~licenses issued for lobstering, and six commercial shrimping licenses. There are currently 10 non-commercial lobster licenses. ~~Out of town owners of four boats fishing for shrimp.Six or seven boats fishing for sea urchins, of which two or three have out of town owners. No fin~~

~~fishing.~~The DMR issued 15 commercial fin fishing licenses in 2001. Some doubling up noted in the winter.

On the other hand, recreational boating has grown to become an important factor in the economy. It is estimated that between 300 and 400 boats of all types are based in the harbors of Kennebunkport, and the attractiveness of those harbors has lured many residents, either on a seasonal or a permanent basis. In addition, some visitors bring their own boats on trailers, and launch them at the ramps of local marinas. Many households also benefit from income derived from recreational boating, such as the provision of moorings and dock space, the sales of vessels themselves, and the supply of fuel, ice, maintenance, and other amenities. This is potentially a growth industry, but at present it is constrained by the inability to furnish dock or mooring space for additional vessels.

Boating is also a lure for tourists, and Kennebunkport offers a variety of ways to get "out on the water." Those interested in fishing can charter a motorboat or a fishing boat. Those favoring sailing can ~~charter a 35-foot sloop or go aboard a small gaff-rigged schooner~~choose from two sailing vessels available for charter, as well as six small fishing boats~~.~~. There are also kayak and canoe rentals. ~~A couple of motor vessels offer cruises which include an introduction of lobster fishing, and two others~~ Two vessels offer "whale watching" trips to Jeffery's Ledge. Three vessels specialize~~s~~ in scenic cruises along the shoreline as well as deep sea fishing boats.~~.~~

There are also means to enjoy much of the Kennebunkport seashore on foot. Sidewalks and Parsons Way border most of the shoreline along Cape Arundel. Although there are no walkways for the purpose, much of the shore of Cape Porpoise Harbor can also be explored by foot, and a pedestrian can easily walk the length of Goose Rocks Beach.

Proximity to the sea is also important to lodging and restaurant businesses. Spectacular views of the ocean and the shoreline serve as a strong magnet drawing visitors, and the town's many roads with water views are frequently lined with the parked cars of sightseers. Furthermore, some of the best hotels, inns, and restaurants owe much of their popularity to locations overlooking the ocean, the shoreland, or the river.

B. Ports And Harbors

The two primary harbors in the town are the Kennebunk River and Cape Porpoise Harbor. In addition, there are several other coastal areas where moorings are located.

1. Kennebunk River

Guidance into the Kennebunk River harbor is provided by a lighted bell buoy and two can buoys marking the approach to the river. Two stone jetties at the mouth of the river act as breakwaters.

The river has a dredged channel from the sea to 60 yards below the Route 9 bridge at Dock Square. A 100 foot wide marked channel is marked by buoys and a day beacon, and is maintained at a nominal depth of eight feet from the ocean to Government Wharf (1,700 feet). For the next 2,300 feet, the nominal depth is six feet. The final 2,000 feet, to the bridge, has a 75-foot wide channel and a nominal six-foot depth at mean low water.

Dredging of the river to depths specified here is mandated by an act of Congress, and is the responsibility of the U.S. Army Corps of Engineers. The last dredging, however, occurred in the mid-1980's. Because the depth in some parts of the river today is more than two feet less than the nominal depth, boats drawing more than five feet should not access the River for two four-hour periods each day around low tide.

After several years of complete inaction, which ~~it has blamed upon~~included difficulty in obtaining dredging permits from the Maine Department of Environmental Protection, ~~T~~the Corps of Engineers, as of ~~1995~~2001, finally seems prepared to initiate the procedures necessary to conduct maintenance dredging on the Kennebunk River. The Corps has held conferences with the Harbormaster, the River Committee, and others interested in the use of the river. Recent estimates from the Kennebunk River Harbormaster suggest that maintenance dredging in the river will occur in November 2003.

Once inside the breakwaters, the Kennebunk River provides excellent protection under nearly all weather conditions. Only in mid-winter do storms and ice sometimes cause damage to moorings, floats, and breakwaters.

Two dredged anchorages, one two acres and the other four acres, each 6 feet deep, exist and are supposed to be maintained, based on an agreement between the towns and the Army Corps of Engineers.

According to the Harbor ~~M~~master, there are approximately ~~80~~ 60 moorings in the Kennebunk River. All are privately owned, either by marinas or individuals with roughly half used by fishermen and the remainder ~~are~~ used for recreational purposes. The Harbormaster ~~27 are owned M~~determines the location of the moorings, and considers the harbor to be full at this time. ~~One or two~~ Three moorings are reserved for transients.

The Harbormaster has a waiting list for mooring space, with about ~~60~~ 46 names on it at present. When a mooring space is vacated, priority to fill it is given to

commercial fishermen, with the result that there is virtually no turnover in moorings for recreational boaters. The average wait for a mooring in the river is between five and seven years.

2. Cape Porpoise

Guidance into Cape Porpoise harbor is provided by Goat Island Light, a lighted whistle buoy, ~~–~~a bell buoy, and two day markers. The channel from Goat Island to just south of the pier is 200 feet wide and 16 feet deep. At the head of the harbor, it is 100 feet wide and 6 feet deep. There is a question as to uniformity of depth; depth varies with the tidal conditions at the time.

~~In practice, the entrance to the harbor is hazardous, owing to the large number of lobster trap buoys which clog the channel. While the lines to these buoys are not a menace to the local fishermen, who encase their propellers in metal screens to prevent entanglement, they can and do entangle the propellers of visiting vessels of other types. In many instances, serious damage has resulted. Although federal law requires that such channels be kept free of obstructions, the law has only occasionally been enforced in Cape Porpoise.~~Within the harbor, all moorings are private. There are approximately ~~100~~150 moorings, with about 55% commercial and 45% recreational. The Harbormaster has reported "the harbor is at maximum capacity" and maintains a waiting list for moorings, with ~~46~~49 names on it currently.

3. Other Harbors

Just to the east of Cape Porpoise Harbor is Stage Harbor, which lies between Cape, Trott, and Little Stage Islands. The harbor has sufficient depth to accommodate a number of large vessels, and provides good protection under most weather conditions. On the other hand, the harbor has no shore facilities whatsoever, and is at least half a mile from the nearest shoreline served by a road. In practice the harbor is a popular "lunch stop" for recreational boaters. There has been a significant increase in the use of the facility as both a lunch stop and also for overnight stays.

There are also a small number of seasonal moorings established at Goose Rocks Beach, in Paddy's Cove, and at Turbat's Creek. There are no maintained channels in these areas and no management of the "harbors".

C. Major Harbor Facilities

1. Kennebunk River

In the Kennebunk River there are 172 commercial berths, and 88 private berths.

Government Wharf is Town-owned and maintained by the fisherman. It has about 200 feet of berthing space. Improvements have been made using Federal money, resulting in a requirement that access remain open to residents of both Kennebunkport and Kennebunk, as both communities participated in the project. Fishermen use the wharf for accessing ~~to~~moorings. The pier consists of stone riprap, an earth filled crib bulkhead, and a wooden panel deck apron, plus a bait shed with a concrete floor on wood piles. There are wooden fender piles around the apron and float landings for small boats. There is no fuel for sale at Government Wharf, although fuel can be purchased at two marinas further up the river.

Other facilities on the Kennebunk River include:

- Kennebunk River Club

  A private club used only seasonally. It has a pier with float landings providing 800 feet of berthing space.

- Kennebunkport Marina

  A commercial marina with piers and floats providing about 1000 feet of berthing space (approximately 50 boats). It has a launching ramp, but cannot park cars with boat trailers.

- Kennebunkport Maritime Museum

  Seasonal dock available, pier 5 feet wide, 260 feet long with a zig-zag.

- Nonantum Motor Inn

  Marina associated with a hotel/motel complex; stone bulkhead with float landings.

- Chicks Marina, Inc.

  A full service commercial marina with 1100 feet of berthing space (approximately 55 boats); hydraulic lift and hoist launching. It has a launching ramp, but can not park cars with boat trailers.

- Yachtsman Motel

  Seasonal dock associated with motel; pier with ramp to float landings; fuel available.

- Arundel Yacht Club

Seasonal private club; dock 60 feet with 24 side floats, approximately 55 berths; launching slide for small craft.

2. Cape Porpoise

This harbor has no public berths, eight private high-water berths, and one private low-water berth.

The pier and associated facilities are owned by the Town. According to ~~Assistant~~ Harbormaster David Billings, the Cape Porpoise facility consists of an earlier pier of dressed granite that had been squared off with a perimeter of steel beams resting on the granite and on steel piles. Improvements made in the eighties consist of a dock structure about 20 feet wide that forms an ell and provides a berthing face 180 feet long in deeper water (about 12') where fish (and shellfish) may be unloaded, and equipment, fuel, and ice loaded aboard vessels. The dock consists of a timber deck on heavy wooden timbers with timber fender piles along the berthing face. There are two small cranes and one large crane to facilitate bait and fish landings. Floats attached to the pier are available for ~~fishermen's punts and dinghies of recreational boaters~~members of the pier; recreational boaters are allowed to use the pier during evening hours if it does not conflict with fishing uses.~~.~~ Fuel~~,~~ and water ~~and power~~ are available at the pier. If fishermen wish to ice their catch, they must arrange separately for it. A paved area behind the shed on the pier provides parking for fishermen's trucks. Parking for the general public is available along the road approaching the pier.

~~Some of the older steel beams supporting the deck along the edges of the granite pier had been deteriorating, although the steel piles supporting them appeared to be sound.~~In the spring of 1993, the Town conducted a pier renovation. The wood deck was removed to allow replacement of the severely corroded supporting steel beneath, and new decking was installed. ~~Steel framing~~ The new dock structure is in excellent condition.

In 1986, the Town amended its zoning ordinance to prohibit recreational marinas from Cape Porpoise to prevent further competition for space and thus to protect fishermen.

3. Harbor Access and Parking

Both Government Wharf and Cape Porpoise experience overcrowding and have limited parking. The issue is more acute at Cape Porpoise.

The question of parking around the Cape Porpoise pier can become complicated. The parking plan submitted to the Town by the Seascapes Restaurant, which is just

north of the pier, shows a total of 48 spaces on land adjoining the restaurant and the road leading down to the pier. Through a verbal agreement, the fishermen based in Cape Porpoise also used this parking lot, since their times of usage seldom conflicted with those of the restaurant. However, the current status of that agreement is unknown at this time, as the restaurant's ownership has recently changed hands. Recreational boaters moored in Cape Porpoise Harbor also used this same lot. During the summer, parking in the pier area can be rather congested but, so far, the congestion has not interfered with fishermen's use of the facility.

D. Other Areas Suitable For Water-Dependent Use

A 1988 study by the State Planning Office looked for areas along the coast that were suitable for use as additional harbor or port facilities. The study looked at features on land, such as suitability for parking and access, and in the water, such as depth and shelter from rough seas. One such site was identified at the head of Cape Porpoise Harbor.

The study also identified several locations along the Kennebunk River, which it termed "available unused sites". Upstream of the Route 9 bridge (no longer a drawbridge), the river is indeed relatively undeveloped, although there are some areas where the coastal wetlands remain. Most of the river downstream from the Route 9 bridge, however, is already developed with wharfs and bulkheads.

E. Beaches

Although the shoreline of Kennebunkport is dotted with a number of small beaches, the most popular by far are Goose Rocks Beach and "Colony" Beach. What is known as the "Colony Beach" is actually three beaches. To the south of Colony Beach is a strip known as Breakwater Beach which adjoins the jetty and to the west of the road is a section known as Town Beach.

Slightly over two miles long, Goose Rocks Beach is a beautiful stretch of white sand extending from the Batson River to the Little River. There are no bathhouse or toilet facilities, but food is available from a nearby store. Although more than a hundred seasonal homes adjoin the beach, the beach is so large that it seldom seems crowded. Thanks to the many ledges that lie just offshore, the beach experiences very little wave action, making it especially attractive to the parents of small children.

Most of Goose Rocks Beach is privately owned; the public portion of the beach is very popular. Access to the beach is provided by several rights-of-way extending between the beach and Kings Highway, which runs parallel to the shore. ~~Unfortunately these rights of way are not marked other than by crosswalk stripes painted on the highway.~~Rights-of-way to the beach are marked with signs.

Because visitors to the beach must park on the street, the Town has found it necessary to restrict parking to vehicles carrying Goose Rocks Beach parking stickers. Over a thousand town residents make use of such stickers, which cost them $3.00 per year. Several thousand visitors also purchase stickers, which cost them considerably more, for periods between a day ($5), week ($15), and a full season ($30). Town records show a total of roughly 7,500 parking stickers issued in 2000 to both residents and non-residents. Nevertheless, a sticker does not guarantee a place to park; on a pleasant summer weekend, all the "legal" parking spaces may be full. An "Information Guide" is distributed to all those who purchase parking stickers for that area. The "Guide" has done much to promote orderly and considerate use of the beach. The Town also distributes information regarding endangered birds and seal rookeries. Stickers can be purchased at Town Hall.

The "Colony" Beach, located just east of the breakwater at the entrance to the Kennebunk River, is partially owned by the nearby Colony Hotel. The ~~remainder is owned by the Federal Government~~Federal Government owns the remainder. The beach has no bathhouse or toilet facilities, but several restaurants are not far away. The beach is small, little more than two hundred yards long, and is broken up by outcroppings of ledge. Nevertheless, its proximity to the center of town makes it popular.

The Colony Beach is entirely open to the public. There is room for approximately forty cars immediately adjacent to the beach, and additional spaces can often be found along the nearby streets. No stickers are required, but on a hot summer weekend, it may be impossible to find a parking space within a reasonable distance.

Many townspeople would feel that a listing of beaches is incomplete without a mention of Cleaves Cove. Cleaves Cove is only a small, primarily rocky beach, but it is in an unusually attractive setting. It is accessible through a pedestrian right-of-way off Ocean Avenue, and is a good spot to view seals in the winter and pick-up driftwood in the spring.

F. Shell Fishing and Worming

Since 1967, the Maine Department of Marine Resources (DMR) has historically classified the entire shoreline of Kennebunkport as unsafe for the taking of shellfish. The only exceptions occurred in 1983, when 152 bushels of clams were taken, and in 1986, when another 42 bushels were taken. Recently, however, many sources of pollution have been reduced or eliminated. Towns along the Kennebunk River have installed sewerage systems, and Kennebunkport's system has been extended all the way to Goose Rocks Beach. Hence restrictions on shell fishing are gradually being eased. The flats in the Little River/Beaver Pond Brook estuary are presently open for harvesting from October 1st through May 31st. The Batson River/Smith Brook

area is not open. In Cape Porpoise, the flats in the back cove area (Skipper Joe's), Stage Harbor, and the area between these and Cape Porpoise Harbor are open year-round.

The DMR classifies some shoreline areas as "non-redeemable", meaning that shell fishing is unlikely to be permitted there in the foreseeable future. One area so classified would be the shoreline near the outfall of a sewage treatment plant, even though such a plant is operating within its licensing standards. One reason for this policy is that toxins may linger near the outfall for a long time; another is that the plant might unexpectedly operate outside of its licensing standards. Other non-redeemable areas are those around marinas. In view of these restrictions, there is little likelihood that shell fishing will be re-instituted along the Kennebunk River.

East of Cape Arundel, however, prospects are considerably better. Recognizing the benefits of the Town's extended sewage system, the DMR initiated a "Shoreline Survey" of the area, which is the necessary prelude to reclassifying its suitability for shell fishing. Such a survey is a time-consuming procedure, and the DMR has only one Area Biologist to cover the shoreline from Kittery to Wiscasset. Hence, of necessity, ~~much of the work must be done by volunteers~~volunteers must do much of the work, and it has gone slowly. Nevertheless, in March 1994, the Cape Porpoise clam flats were reopened. There are currently 31 state-designated shellfish monitoring stations in Kennebunkport, including some open water locations.

Other~~s~~ flats may be deemed suitable for taking certain types of shellfish, such as clams, provided they are processed in a "depuration plant" before going to market. Spinney Creek Shellfish of Eliot has been active in the depuration process including work in the Kennebunkport. Depuration involves removing clams from permanently closed areas, under tightly controlled conditions, for which they pay towns 50 cents per bushel and then clean them for resale to restaurants. Spinney Creek conducted six operations in the town in 1998, three in 1999 and one in 2000. It appears the clams are now too large (over 3") for any commercial value so no additional operations are planned. ~~There are currently 31 state-designated shellfish monitoring stations in Kennebunkport, including some open water locations.~~

~~The biggest~~A remaining obstacle to resumption of shell fishing may be ~~houses~~residential and/or commercial ~~with~~ "overboard discharges," of which there are ~~15~~7 remaining within the town, according to DEP statistics from 1999.~~.~~ Shell fishing is prohibited in the immediate vicinity of such a discharge, and unacceptable levels of coliform bacteria may be detected at a surprising distance. The Town has done what it can to encourage homeowners to give up ~~"~~overboard discharge~~"~~. Nevertheless, there is no law or regulation ~~which~~ that requires them to do so, and at the present time, new connections to the sewer line are severely limited. However, legislation passed by the Maine State Legislature in 1987 disallows any new overboard discharges and requires regular inspections of existing discharges to

ensure proper functioning. The Maine Overboard Discharge Program, funded by a state bond issue in 1990, provides partial reimbursement for the cost of replacing overboard discharges with alternative waste disposal. There are no pump out stations along the Kennebunk River.

Now that shell fishing has resumed on a limited basis in Kennebunkport, it has been deemed desirable to protect this resource by enacting an ordinance licensing fishermen and limiting the harvest. In the absence of such an ordinance, the shellfish beds would be open without restriction to any resident of the state, and the supply might soon become exhausted, as happened many years ago with clams at Goose Rocks Beach. ~~As of this writing~~In 2000, ~~98~~90 annual residential licenses, 10 annual non-residential licenses, and 32 daily licenses ~~have been~~were issued for clam harvesting.~~.~~ The Selectman have the authority to recommend limits to these licenses.

Though the state has not identified any worming areas in town, there is limited marine worm harvesting in the sand and mud flats between Cape Porpoise harbor and the islands surrounding the harbor.

In addition, the estuaries within the Rachel Carson Refuge act as breeding grounds for a vast array of finfish and shellfish. The Town adopted a "Critical Edge" overlay buffer zone around the border of the Refuge in 1988 to help protect water quality. In 1997, this overlay zone was extended to all tidal waters.

G. Other Fishing Activities

In southern Maine, the Kennebunk River is the only watershed that has no dams on a significant portion of the main stem of the river. Hence this river attracts anadromous fish, which is the technical term describing fish ~~which~~ that spawn in the headwaters of rivers leading into the ocean. The river supports spawning populations of alewives, blueback herring, American shad, sea lampreys, and rainbow smelt. In addition, the American eel utilizes the freshwater and tidal portions of the river as a feeding area, along with striped bass ~~which which~~ that are seasonally present in the estuary. The ~~river herring fishery is managed by the Town of Kennebunk in cooperation with the Department of Marine Resources~~Town of Kennebunk in cooperation with the Department of Marine Resources manages the river herring fishery. If the Days Mill dam at Days Mill near Route 35 ~~Route 35~~were breached, providing access to Kennebunk Pond in Lyman, DMR estimates the fishery could be increased from 4,000 to 70,000 pounds annually. The American eel and sea lamprey are commercially valuable as food fish and are harvested by commercial fishermen licensed by DMR. Striped bass, American shad, and rainbow smelt are also species of major importance to recreational fishermen. Rainbow smelt dip net fisheries typically occur in early spring during the spawning runs (April and May).

Rod and reel fisheries for American shad occur in May and June, while striped bass sport fisheries occur from May through October.

II. ANALYSIS AND CONCLUSIONS

It is clear that the town maintains a vibrant fishing industry – particularly for lobster. It is also obvious that through the actions of the Town and their support for the industry, they want to see this way of life maintained and sustained it as part of the town's economy. The conflicts with the recreational boating public and the need for mooring space is still an issue. Additionally, there seems to be a need for water access for the less affluent.

Water quality, directly impacting shell fishing and recreation remains a concern. There are currently no pump-out facilities on the Kennebunk River. The proposed maintenance dredging of the Kennebunk River should also be monitored. The River Committee might address many of these issues.

Education for recreational boaters and property owners who impact the town's marine resources would be helpful in mitigating negative impacts on water quality. Overboard discharges into the waterways of the town are slowly being eliminated.

A. Trends In The Use Of The Waterfront

Land use patterns along the Kennebunk River remain in a great state of flux. Waterfront property owners, seeking the greatest monetary return from their property, have been turning more and more to recreational boating marinas and to development directed toward vacationers. Responding to these changes, the Town adopted a Land Use Ordinance and Subdivision Regulations in 1972. Shoreland zoning was implemented in 1975.

After several years of discussion, a Kennebunk River Committee was formed. Its stated purpose is to supervise moorings and other harbor facilities within the Kennebunk River. It is composed of representatives from those towns bordering the river: Arundel, Kennebunk, and Kennebunkport. Both fishermen and recreational boaters are members. Although the formation of the committee was greeted with some skepticism as an intrusion into the commercial fishing industry, the members are working together for the protection of the river and their livelihood. ~~The Town recently~~In 1993, the Town approved an Interlocal Agreement to strengthen the River Committee. The Committee is now an official body representing the Town's interest in the river. The Agreement formalizes the authority of the Committee to manage the tidal portion of the river.

In 1982, the Cape Porpoise Pier Committee was established to advise the Town on the operation of that pier, a pier manager was hired, and a pier ordinance was adopted. Presently, the daily operation of the pier is proceeding as originally envisioned by the Town. Use by commercial boats increased after the purchase but ~~has recently~~ leveled off by 1996. According to Harbormaster David Billings, there are currently 74 fee-paying members of the Cape Porpoise Pier. In 2000, 99,000 gallons of fuel were sold to fishermen and recreational boaters (a 4% increase from 1999), resulting in a $14,850 profit to the pier. The facility also has 24-hour fueling capability that provides 40 members with round-the-clock service.

The pier is also a very popular tourist stop during the summer. The scenic harbor, day-to-day operations of the fishermen at the pier, and a shore lunch at the chowder house (which is also owned by the Town and operated under contract) attract a steady stream of visitors.

In 1986, the Town adopted revisions to the Land Use Ordinance that strictly limited development of non-commercial marine uses in the Cape Porpoise area. These events in the Town's history provide ready evidence of the Town's concern and support of issues dealing with the coastline.

B. Adequacy Of Harbors And Mooring Facilities

A 1990 draft Report on Recreational Boating by SMRPC projected a countywide demand ~~which~~ that would exceed supply by between 1,500-3,900 moorings or berths by the year 2000. Kennebunkport is certainly not immune to this problem. As noted above, there are waiting lists of boaters seeking moorings in both of its harbors. Furthermore, on the Kennebunk River, the limited amount of dock space available has forced rental fees up to the point where many boaters cannot afford them.

From the standpoint of boating use, it is questionable whether the town's harbors are being used as effectively as they could be. It is also possible that a commercial developer might be tempted to construct additional dock facilities in Cape Porpoise, but this would involve a modification of the Town's present policy regarding the use of that harbor. Finally, a municipal launching ramp with adequate parking would be appreciated by many less-affluent boaters.

Other citizens perceive a need for better regulation of the waterways adjoining the town. They cite instances where boats travel too fast or generate damaging wakes, and of moorings which are badly located or negligently maintained. The issue of personal watercraft has also been cited as an area that needs further examination due to their noise, speed and wake. ~~–~~In the Kennebunk River and Cape Porpoise Harbor, such problems are the responsibility of the Harbormasters. In the other anchorages around the town, they appear to be no one's responsibility. Hence, a need is perceived for closer supervision.~~.~~

C. Adequacy Of Beach Facilities

The Town finds itself in a peculiar position regarding the use of beaches. While the Town would like to encourage both residents and summer visitors to make use of both of the popular beaches within the town, the Town owns only a tiny portion of the shorefront property along those beaches. Thus, there is always a potential conflict of interest between the Town's recreational welfare and private beach owners and others in the vicinity of the beaches. In practice, however, these problems have been handled amicably by instructing bathers to gain access to the beach through posted public rights-of-way and advising them to avoid objectionable behavior such as loud music, campfires, dropping trash, etc. The "Information Guide" of Goose Rocks Beach Concerned Citizens is an excellent guide to good beach manners. Vandalism to signage has become a problem in the beach area, particularly to those signs posted for rights-of-way to the water.

Lack of toilets is an obvious source of discomfort and embarrassment to users of the Town's beaches, particularly to those from out of town. Nevertheless, as other

towns have demonstrated, it is difficult to find a type of toilet facility on which all the citizens can agree. Still, the problem warrants study.

Beach parking is also a problem, but a simple inexpensive solution is not apparent.

D. Financial Aspects Of Marine Activities

The ~~1993~~ 2001 Annual Report of the Town shows a Pier Fund with an operating profit for the year of $~~9,245~~67,287 (This figure is not correct – there was no operating profit associated with this enterprise). While this Fund is understood to combine the financial operations of both the Cape Porpoise and Kennebunk River piers, ~~practically all~~a substantial proportion of the income and expense can be attributed to Cape Porpoise. The Special Revenue Fund includes the Piers, Rivers and Harbor fund that has a fund balance of $81,823. These funds are derived from boat excise taxes.

A fee structure was established when the Town began operation of the Cape Porpoise pier~~, and it has not been changed since its inception~~. The fee is currently ~~$400~~$450 per year for use of the pier and bait shed. This fee system provides for regular operational expenses and minor improvements. ~~Major capital improvements are being assumed by the Town~~The Town is assuming responsibility for major capital improvements.

In addition, the Town Meeting has annually appropriated $14,000 to defray unanticipated operating expenses of the Town-owned piers. Unexpended monies are put into a capital reserve fund.

Profits from the sale of gasoline and diesel fuel, which are the Town's principal sources of revenue in Cape Porpoise Harbor, are not available in the Kennebunk River. ~~The Town makes no charge for moorings in the Kennebunk River, and it is understood that a small but unspecified fee is charged to commercial fishermen who use the Government Wharf.~~As of this writing, the Kennebunk River Committee recently implemented a $100 annual fee for moorings in the river and a $10 annual fee for placement on the waiting list. ~~(As of~~In 1995, ~~however, it has been~~was suggested that this difficulty ~~may~~might be overcome through the collection of an excise tax on vessels docked or moored in the River.~~)~~ Excise taxes are now paid when registering boats; excise taxes are also due on documented vessels.

Although the Town government's involvement with marine activities is confined almost entirely to fishing vessels, ~~the principal contribution to the local economy is made by recreational boating~~recreational boating makes the principal contribution to the local economy. The several hundred recreational boats which are based in Kennebunkport's harbors, along with sizeable numbers of transient vessels, support four local marinas, as well as many other businesses providing supplies, repair

services, food and the like. Boating is one of the fastest-growing components of the local economy and would grow even faster if more waterfront space were available.

E. Need For Increased Cooperation Between Towns

Because the Towns of Kennebunk and Arundel along with Kennebunkport border on the Kennebunk River, all three towns will necessarily be involved in any organizations that may review water-oriented uses of that river. The River Committee and the recently adopted Interlocal Agreement will provide the towns with an excellent working group to manage the river. All indications are that this arrangement is working well.

F. Effects Of Pollution And Water Quality

The anadromous fishery depends upon high quality water and free access from the sea to freshwater for reproduction and/or growth. Land use measures to prevent erosion and sedimentation, control of other non-point and point source discharges, and protective buffer strips along the river and tributary streams are important activities to maintain water quality and habitat for these resources.

Improper sewage disposal, poor storm water management, and non-point pollution can lead to continued closure of shellfish harvesting areas. Sources of non-point pollution include excess nutrients, insecticides, and herbicides ~~which~~ that run off from private lawns, gardens and farms. Restrictions on shellfish harvesting opportunities can be removed if there are improvements in water quality. More conscientious monitoring of subsurface wastewater disposal systems and wastewater discharges can provide the needed reductions in bacterial contamination. Education of property owners can be of tremendous benefit in this regard. Additionally, the River Committee should fully examine the merits of a pump-out station along the waterway.

Marine toilets are a potential source of pollution ~~which which~~ that is frequently mentioned. By Federal law, all vessels with a built-in toilet are required to have facilities either to treat wastes before discharging them, or to hold them until they can be disposed of properly. There are some harbor areas in which toilet discharge of any kind is prohibited by law, but neither harbor in Kennebunkport is so designated. Proper disposal of toilet wastes involves either pumping out by the vessel itself when more than three miles to sea, or pumping out by a suitably equipped facility on the shore. Though State law requires any marina with slip or mooring space for eighteen or more vessels that exceed 24 feet in length to provide such facilities, there are no pump-out facilities in the town at this time. All marinas and yacht clubs require that the crews of vessels at their docks use toilet facilities ashore, but there is presently no means to enforce such a requirement. So far, no

evidence has been provided to suggest that this problem is severe enough to require corrective action.

Recent legislation requires that anti-fouling bottom paint for boats, which is usually toxic to marine organisms, be removed in such a way as to prevent it from flowing into rivers or the ocean. Enforcement of this requirement appears to be irregular, and whether the benefit to water quality justifies the considerable increase in maintenance expense is debatable. There is also no place to dispose of the residue.

Another factor degrading water quality is fuel spills, which are often visible along the Kennebunk –River. Such spills violate both Federal and State law, but preventing them entirely is very difficult. It is questionable whether the Town wishes to become involved in such a program.

III. IMPLEMENTATION

STATE GOAL: **TO PROTECT THE MARINE RESOURCES, INDUSTRY, PORTS AND HARBORS FROM INCOMPATIBLE DEVELOPMENT AND TO PROMOTE ACCESS TO THE SHORE FOR COMMERCIAL FISHERMEN AND THE PUBLIC.**

TOWN GOAL 1: **TO ENSURE THE PRESERVATION OF ACCESS TO COASTAL WATERS NECESSARY FOR COMMERCIAL FISHING, COMMERCIAL MOORING, DOCKINGS, AND RELATED FACILITIES.**

Policy 1: Continue to cooperate with the Towns of Kennebunk and Arundel in the management of the tidal portions of the Kennebunk River.

Strategy 1: Continue active participation in the River Committee as provided in the Interlocal Agreement.

Responsibility: Board of Selectmen, River Committee
Timeframe: Ongoing

Policy 2: Assure safe, well-marked and unimpeded entrance and use to both of the Town's major harbors.

Strategy 1: Continue to work with the harbormaster(s) and the Coast Guard to provide clear markings of the channels.

Responsibility: Harbormaster(s)
Timeframe: Ongoing

Policy 3: Provide sufficient regulation of all waterways adjoining the Town to be sure that all watercraft therein will be safely and courteously operated and all moorings properly located and maintained.

Strategy 1: Develop a representative group to work with the harbormaster(s) to study this requirement and to offer suitable recommendations.

Responsibility: Board of Selectmen
Timeframe: 2 years

Strategy 2: Continue to work with the harbormaster(s) to provide safe operation of watercraft in affected areas.

Responsibility: River Committee, Board of Selectmen
Timeframe: Ongoing

Policy 4: Maintain commercial and pleasure boating mix at current levels.

Strategy 1: Study the use of separate mooring lists for commercial and pleasure craft as a method of maintaining the current mix in the harbors.

Responsibility: Harbormaster(s)
Timeframe: Ongoing

Strategy 2: Consider giving local residents entering the fishing industry priority in mooring rights.

Responsibility: Harbormaster(s)
Timeframe: 1 year

Strategy 3: Develop adequate parking for commercial fishermen at Cape Porpoise Pier and Government Wharf.

Responsibility: Board of Selectmen
Timeframe: 1 year

TOWN GOAL 2: TO DISCOURAGE NEW DEVELOPMENT THAT IS INCOMPATIBLE WITH USES RELATED TO THE EXISTING MARINE RESOURCES INDUSTRY

Policy 1: Use the Land Use Ordinance to define marine resources industry.

Strategy 1: Develop a definition of marine resources.

Responsibility: Planning Board
Timeframe: 2 years

Strategy 2: Develop a definition of marine resources industry.

Responsibility: Planning Board
Timeframe: 2 years

Strategy 3: Amend those sections of the Land Use Ordinance that require revisions to accomplish a marine resource use in appropriate areas.

Responsibility: Planning Board
Timeframe: 2 years

TOWN GOAL 3: TO ALLOW THE USE OF THE PUBLIC BEACHES LOCATED WITHIN THE TOWN BY RESIDENTS AND SUMMER VISITORS, WHILE PROTECTING THE PRIVACY OF PRIVATE BEACH OWNERS AND OTHER PROPERTY OWNERS IN THE VICINITY OF THE BEACHES.

Policy 1: Allow residents and visitors to enjoy the use of the Town's beaches while behaving in a civil and legal manner.

Strategy 1: Provide signage marking public access to beaches.

Responsibility: Highway Department
Timeframe: Ongoing

Strategy 2: Continue to encourage all applicants for parking stickers to read and follow the information furnished

Responsibility: Police Department, Town Office
Timeframe: Ongoing

Strategy 3: Continue the use of police patrols on the beaches and ocean areas.

Responsibility: Police Department
Timeframe: Ongoing

Strategy 4: Determine if public toilets might be appropriate at the Town beaches.

Responsibility: Board of Selectmen
Timeframe: 1 year

TOWN GOAL 4: TO PROTECT THE WATER QUALITY OF THE STREAMS THAT RUN INTO RACHEL CARSON NATIONAL WILDLIFE REFUGE.

Policy 1: Continue to develop public understanding and acceptance of the importance of the Refuge and the need for protection of the tributaries.

Strategy 1: Continue cooperative agreements with the Refuge staff to develop a program for management and education.

Responsibility: Conservation Commission
Timeframe: 1 year

Policy 2: Reduce existing contamination levels to allow shellfish harvesting and to meet other water quality standards.

Strategy 1: Continue regular inspection and enforcement programs of subsurface wastewater disposal systems and overboard discharge systems with the Department of Environmental Protection.

Responsibility: Code Enforcement
Timeframe: Ongoing

Strategy 2: Continue to develop understanding and acceptance of the importance of and reasons behind Shoreland Zoning.

Responsibility: Growth Planning Committee, Code Enforcement, Planning Board
Timeframe: Ongoing

Strategy 3: Develop programs to monitor and eliminate fecal coliform levels found in coastal waters with the Department of Environmental Protection.

Responsibility: Code Enforcement
Timeframe: 2 years

Strategy 4: Pumpouts be provided in Cape Porpoise Harbor and the Kennebunk River.

Responsibility: Board of Selectmen
Timeframe: 2 years

September 2, 2003

CHAPTER VII. WATER RESOURCES

The term "Water Resources", as used in this chapter, refers to fresh water resources, such as lakes and ponds, rivers and streams, wetlands, aquifers and groundwater. Discussion of salt water resources, such as beaches, harbors, and tidal streams, appears in the chapter headed "Marine Resources".

The fresh water resources of the Town of Kennebunkport might best be described as limited but adequate. Ponds and freshwater streams within the town are not large or deep enough for recreational use other than fishing. Most of the residences and commercial establishments within the town are supplied with water from the Kennebunk, Kennebunkport and Wells Water District (KK&WWD), which, in turn, derives its water from sources entirely outside the town. The remaining residences which depend upon well water appear to have adequate supplies of satisfactory quality. While this chapter will consider several potential threats to the quality of that water, serious problems do not appear to be imminent.

Because of the need to identify and locate the many ponds, streams, marshes and aquifers discussed in this chapter, considerable use will be made of maps, which may be found in Appendix B.

I. INVENTORY

A. Water Courses

The interior water resources of the town consist of the various river systems shown on the Water Resources Map, which also shows the drainage divides for various water bodies throughout the town. This map also shows the boundaries of the watershed for the Batson River.

Maine's Mandatory Shoreland Zoning Act requires that any stream shown on a U.S. Geologic Survey topographic map as the convergence of two perennial streams be protected by special zoning provisions. In March 1994, Kennebunkport amended its Shoreland Zoning to include all areas required. The 120th Legislature approved amendments to the Natural Resources Protection Act, rule amendments to Permit by Rule Standards, and Wetlands Protection that became effective on September 1, 2002. These amendments increase setbacks from 25 feet to 75 feet and set standards for cutting and vegetation removal on the small headwater streams above the point where the Shoreland Zoning takes effect. The major watercourses in Kennebunkport are the Kennebunk River and the Batson River. The Kennebunk River makes up Kennebunkport's southwesterly boundary. The river and its

watershed were the subject of a study conducted jointly by the Towns of Arundel, Kennebunk and Kennebunkport in 1986. The report and maps produced for the 1986 study are available for reference at the Town Office. The highlights of that report are included here:

The watershed of the river drains portions of the Towns of Lyman, Arundel, Kennebunk, and Kennebunkport. The total area of the watershed is approximately 53 square miles. Of this area, approximately 15 square miles are in Lyman, 16 are in Arundel, 17 are in Kennebunk, and 5 are in Kennebunkport. The length of the main stem of the river is 13 miles, from its mouth to the point it splits into Carlisle Brook and Lords Brook in Lyman.

Kennebunk Pond is the origin of the river. The pond is unique in that it has two outlets, which form Carlisle and Lords Brooks respectively. There are no significant tributaries to the river within Kennebunkport.

The river is tidal to a point approximately 5.2 miles from its mouth in the Atlantic Ocean and 0.2 miles upstream from the B & M Railroad Bridge. It is tidal for the entire distance that it is in Kennebunkport.

A 1982 study by the Maine Department of Conservation and the National Park Service indicated the Kennebunk River has a composite of natural and recreational resource values with statewide significance.

The Batson River is classified as a minor coastal river, but its watershed comprises a majority of the area of the Town. Drainage divides are shown on the Water Resources Map. We can trace the tributaries leading into the Batson by the size of the culverts that carry the drainage into the main body of the river. The river enters Goosefare Bay between Marshall Point and the western end of Goose Rocks Beach. The river is tidal for approximately three-quarters of a mile from its mouth to the dam just downstream of Route 9. Within the Batson River watershed, there are perennial streams that total over 80,000 feet in length. Streams over five feet in width total 16,000 feet. In 1994, the Town Meeting enacted a 250-foot setback that protects the river as far as the Arundel Road by the Chick farm. This area is now in Shoreland Zoning. The main threat to the water quality of the river is from farms and homes on the upper reaches of the river. There is little water quality data available on the Batson River.

The Little River and Beaver Pond Brook lie outside the Batson River watershed. The Little River rises from the wetlands by Proctor Road and swings into Biddeford for 7/8 of its route, coming into Kennebunkport under Route 9 near the Biddeford line. It forms the Town boundary from the LaBrie property to the ocean. Beaver Pond Brook also empties into the ocean near here. Water quality testing on these two streams would be the first step in the process of re-opening the Little River area's

shellfish flats for year-round use. The flats in the Little River/Beaver Pond Brook estuary are presently open for harvesting from October 1st through May 31st. The Batson River/Smith Brook area is not open for harvesting. In Cape Porpoise, the flats in back cove (Skipper Joe's), Stage Harbor, and the area between these and Cape Porpoise Harbor are open year-round.

B. Great Ponds

There is only one great pond in Kennebunkport, Beaver Pond in the Goose Rocks Beach area. The pond has a surface area of 12 acres. There is no information on its water quality. The pond is located within the watershed of the Little River. The land around the pond is owned by the Kennebunkport Conservation Trust as permanent open space. Although Lake of the Woods does not meet the state's definition of a Great Pond, it receives the same protection as a Great Pond in our Land Use Ordinance.

C. Wetlands

There are a number of wetland areas in the Kennebunkport. They may be classified as either coastal or freshwater and are described in more detail in Chapter V. A portion of Kennebunkport's shoreline is rocky, but there are a number of salt marshes scattered along the coast. The largest portions of these are located at the mouths of the Batson River and Turbat's Creek. Of the coastal marshes, the Federal Government owns a significant part and is under the jurisdiction of the Rachel Carson National Wildlife Refuge.

D. Water Quality In Rivers And Streams

The Maine Legislature has classified the rivers of the State for purposes of regulating water quality. The classification is an indication of the lowest water quality the Department of Environmental Protection (DEP) may allow. It is not an indication of current water quality. The classification designated for the Kennebunk River has changed several times in the last decade from C to B2 to B.

Water quality testing of the Kennebunk River was done by the DEP until 1983. In 1985 and 1986 a private group, Friends of the Kennebunk River, performed some additional testing. There were five stations for the water quality testing: Route 9 bridge, Durrell's Bridge, Route One, Downing Road, and Days Mills.

In general the water quality testing done between 1980 and 1986 indicated the river attained the standards for a Class B water body. Tests for dissolved oxygen above the standards of 75% of saturation in freshwater and 85% of saturation in saltwater were achieved in 102 of 105 tests during the six year period. Tests for bacteria met the standard in 55 of 74 tests. The acidity of the water was within the desired pH

range of 6.0 to 8.0 in all tests. Some tests revealed a high level of nitrogen, possibly reflecting contamination from dairy farm operations situated north of Kennebunkport.

The DEP tested the river again only at the Route One location in the early fall of 1991. Bacterial contamination climbs after rainfalls, and Hurricane Bob had occurred in August, 1991. When the river was still at flood stage following the hurricane, E.Coli bacteria levels rose to over 6,000 colonies per 100 ml. of water. The DEP's report indicates the river did not meet Class B status, but attained Class C standards. The DEP surmised that storm water runoff was the reason for the river not meeting its usual classification.

The most recent DEP testing on the Kennebunk River was done in 1994. The Department spent one morning testing eight sites (two freshwater, six tidal). The results of the two freshwater sites showed that the river met Class B standards *(75% saturation or 7 parts per million concentration)*. Of the six tidal test sites, three did not meet SB standards *(85% saturation)*. Two of the three tested at 75% saturation and one tested at 77%. The remaining three sites met the SB classification standard.

The Kennebunk Conservation Commission has been conducting a summer long water-testing program along the Kennebunk River for nearly a decade.

Though there is no empirical data from testing, water quality for the smaller interior waterways appears satisfactory. The primary indicator of this is the water quality within the Rachel Carson Wildlife Refuge. An August 1988 draft environmental assessment by the Refuge estimated that half of the average annual precipitation falling within the drainage basins leading to the Refuge turns into runoff settling in the upper reaches of the marsh. The tendency is to decrease water quality through increased turbidity and transport of pollutants. Nevertheless, managers at the refuge, when asked, stated that water quality appears good. In 1988, the Town adopted a Critical Edge buffer around the Refuge, and in March 1997, adopted provisions that extended this overlay zone to include a buffer around all coastal wetlands. This may be helping to avoid degradation. (See the definition of "Wetlands, Coastal" in the Kennebunkport Land Use Ordinance.)

Information from the Department of Marine Resources reflects that Kennebunkport suffers from a common problem in southern Maine coastal areas: high fecal coliform levels, probably due to failing septic systems and poorly maintained overboard discharge systems (OD's).

The sewer line extension to the Goose Rocks Beach area (where most OD's were located) has helped to correct the coastal water pollution problem in the Batson River estuary. With the completion of the sewer line, many dwellings previously

served by overboard discharges or subsurface systems have been connected to the sewer. (In simple terms, overboard discharge is the release of treated sewage into a water body.)

E. Ground Water Resources

Dug and drilled wells are the source of water for a significant number of housing units in Kennebunkport. The maintenance of the quality and availability of ground water is therefore an important issue for a large number of residents.

Areas which are able to provide a usable amount of ground water are known as "aquifers". Because of the predominant bedrock and soil conditions in Maine, virtually the entire state can be called an aquifer.

There are two different types of aquifers. When usable amounts of ground water can be removed from the loose unconsolidated material that sits on top of the bedrock, the aquifer is known as a surficial aquifer. When there are sufficient cracks and fissures in the underlying bedrock material to collect usable amounts of ground water, the aquifer is called a bedrock aquifer.

Each type of aquifer has the potential to yield differing amounts of ground water. The amount of ground water available from a surficial aquifer depends on the grain size of the surficial material. Surficial deposits made up of marine clays or tightly packed glacial tills have small grain sizes and, therefore, there is relatively little pore space to store water. In addition, ground water moves slowly through these tight grained deposits, so a well has a limited yield. On the other hand, sandy or gravelly deposits such as are found in glacial outwash material have relatively large pore spaces between grains and water can move relatively quickly. Wells in sand and gravel deposit can therefore result in high yields of ground water.

The yield from a bedrock well will depend on the size and number of cracks or fissures the well intercepts as it is drilled. Where there are a large number of fissures, such as near a fault line, bedrock wells are able to produce high yields as well.

Much of Kennebunkport is underlain by fractured granitic and basaltic bedrock. The bedrock in the western part of the town is metamorphic in origin. Due to the expense involved, no broad based mapping of high yield bedrock aquifers is available.

On the other hand, the Maine Geologic Survey has mapped the high yield sand and gravel aquifers throughout the state. These maps show those areas where ground water yields in excess of 10 gallons per minute can be expected.

The importance of mapping high yield aquifers is that they are potentially desirable locations for public drinking water supplies. Survey maps show two such areas in Kennebunkport, both in the northern part of town. Both of these areas are indicated as likely to yield between 10 and 50 gallons per minute. The first is near the intersection of Guinea Road and Whitten Hill Road (Beacon Corner). (This was formerly the site of the municipal landfill for the Town of Arundel, and hence the quality of the water should be tested.) The second is to the west of this location, crossing over the Town line on the Oak Ridge Road into Biddeford (Fox Farm Road).

The fact that the town's public drinking water supply comes from outside the town's boundaries presents some important regional issues for Kennebunkport. Issues related to residential and commercial development in the watersheds of both the Saco River and Branch Brook require the town, through the Water District, to be aware of land use activities in other towns that may impact Kennebunkport's water supply. A watershed protection survey and management plan for Branch Brook is currently underway (being led by the Wells Reserve). The survey portion has been completed and the management plan should be available in May 2003. A CD of the survey results is currently available from the Wells National Estuarine Research Reserve (646-1555 Ext. 112). Upon completion, the management plan will also be available on CD.

Areas that are not high yield aquifers will still yield enough ground water to meet the demands of individual households or small developments. Tests of ground water from Kennebunkport so far indicate no widespread threats of pollution. When impurities have been found, they usually have been:

1. Bacteria from surface sources, such as animal or vegetable matter, which leach through the soil in the spring when the water table is unusually high;
2. Arsenic, which occasionally poisons a well originating in bedrock. Such instances are rare, and the only cure is to drill another well in a new location.

In a few neighborhoods along the shore, such as Windemere Place, well water may be unsatisfactory for drinking because of the intrusion of salt water. The basic problem here is that the water table on which the wells draw has fallen below the level of the tide, and there is no known method by which the Town can correct the situation. The only remedy is to treat the water after it is pumped, such as by reverse osmosis filtration.

F. Sources Of Pollution

1. Point Discharge Sources

Kennebunkport's sewage treatment plant was built in 1972. Since then it has gone through three modernization upgrades, the most recent in 1999. Currently there are 2469 units hooked up to the sewer system (1320 of those are residential). There are 1085 lots that have septic systems. The Town's wastewater treatment plant outfall pipe is located in the tidal area of the Kennebunk River. The effluent is chlorinated during the summer months. At the annual Town Meeting in June 2003 voters authorized a $1,000,000 bond or note request for the purpose of upgrading the wastewater treatment plant for the purpose of year-round chlorination.

Storm sewers can also be considered as point sources of pollution where they run into the rivers or the ocean. At this time, there are no legal limitations on sewers of this kind.

There are six licensed overboard discharge systems in Kennebunkport, all of which discharge into the ocean. These are discussed in the chapter headed "Marine Resources."

2. Non-Point Discharge Sources

Non-point source pollution differs from point source pollution because it may occur anywhere in a watershed rather than from a single discharge point. Non-point source pollution is usually associated with storm water runoff from fields, construction sites, timber and farming activities, buildings, or roadways. Runoff from rain or melting snow can cause pollutants to be washed from the land and carried through the watershed into lakes, streams, rivers, and coastal waters. Pollutants such as soil, nutrients, bacteria, oils, and heavy metals can cause algae blooms, reduced aquatic plant growth, disease, and sedimentation. Additionally, fertilizers and chemicals applied to lawns, particularly abutting sensitive water bodies, can degrade water quality.

In Kennebunkport, the major non-point sources appear to be runoff from roads, parking lots, and other impermeable surfaces and runoff caused by development. For example, erosion and sedimentation have apparently affected small tidal waters behind North and South Maine Streets, causing those areas to fill in. Mill Pond, (near North Street) that appears to be filling in with sediment, may be a typical case in point. Properly administered erosion and sedimentation control standards can prevent most of the concern from construction and development activities.

Any dump is a potential source of pollution, because toxic materials may leach down into subsurface aquifers. This possibility remains a threat even after the dump has been closed, as the dump in Kennebunkport has. Test wells were installed around the dumpsite in Kennebunkport when it was closed, and water from these wells is analyzed at least once annually by the Maine DEP. So far, no pollution has been detected.

G. Existing Water Quality Protection

Kennebunkport's Land Use Ordinance provides standards to prevent water quality degradation. In March, 1993, the Town revised its Shoreland Zoning requirements to comply with the 1990 State Minimum Guidelines. As part of those revisions, specific erosion and sedimentation control standards were adopted with the requirement for a written control plan to be filed with the Code Enforcement Officer whenever earth is disturbed in the Shoreland Zone. In addition to the erosion and sedimentation control standards, setback and buffering provisions along the shoreline and edge of wetlands are prescribed by the Shoreland Zoning and Critical Edge standards.

Other parts of the ordinance place restriction on the direct or indirect discharge of materials into surface or ground waters. The Site Plan Review process for most commercial uses and other situations contains standards regarding erosion control and storm water management.

H. Possible Threats To Water Quality

The most common threat to water quality in Kennebunkport is the large number of subsurface wastewater disposal systems. Improperly sited or failing septic systems can lead to both ground water and surface water contamination.

Another potential threat to the quality of ground water is leakage from petroleum storage tanks. As of January 26, 2003, Kennebunkport Fire Department records indicate there are 15 registered underground fuel storage tanks, all of which were installed after 1985. The possibility remains that some of these may have been removed and the report filed somewhere other than with the Fire Department.

II. ANALYSIS AND CONCLUSIONS

A. Quality Of Streams And Rivers

Fresh water streams and rivers within the town appear, under normal circumstances, to meet satisfactory water quality standards.

B. Availability Of Ground Water

While the majority of the residents of the town use water derived from out-of-town sources, many residents rely on water derived from their own wells. To the best of this Committee's knowledge, the quantity of water available from these wells has been adequate for these people's needs.

C. Quality Of Ground Water

With some rare and/or temporary exceptions, the quality of ground water derived from wells within the town has been good. Therefore, ground water quality does not pose a problem for the town, at least at the present time.

D. Potential Threats To Water Quality

The principal potential sources of ground water pollution in Kennebunkport, as in any other town, are growth and related activities, leakage from rusted petroleum storage tanks, seepage from septic fields, or leaching from the now-closed dump or other refuse areas and land use issues related to both the Branch Brook and Saco River watersheds. While there is no indication that danger from these sources is imminent, the town should remain sensitive to any evidence that such a threat has arisen.

As the Southern Maine region continues to experience growth in year-round and seasonal residents and tourism, the demand on the water supply from Branch Brook and the Saco River will increase accordingly. Kennebunkport should remain sensitive to this growth and consider action to protect the quality of water in its two major aquifers for the possibility of supplementing its future public water supply.

III. IMPLEMTATION

STATE GOAL: TO PROTECT THE QUALITY AND MANAGE THE QUANTITY OF THE STATE'S WATER RESOURCES, INCLUDING LAKES, AQUIFERS, GREAT PONDS, ESTUARIES, RIVERS, AND COASTAL AREAS.

TOWN GOAL 1: TO PROTECT THE QUALITY OF SURFACE WATERS AND COASTAL AREAS.

Policy 1: Monitor the quality of surface waters.

Strategy 1: Periodically test the water quality of Little River, Beaver Brook, Batson River and Kennebunk River.

Responsibility: Conservation Commission
Timeframe: Every 2 years

Policy 2: Protect all surface waters to ensure healthy biological and ecological diversity and clean and pleasant recreational areas.

Strategy 1: Consider developing a long-range plan to extend sewer service to include all areas of the Shoreland Zone.

Responsibility: Sewer Department
Timeframe: 3 years

Strategy 2: Develop an assessment plan for property owners when the Town extends sewer into private developments.

Responsibility: Board of Selectmen
Timeframe: 2 years

Strategy 3: Develop a high-priority plan to extend sewer to Land's End.

Responsibility: Sewer Department
Timeframe: 2 years

Strategy 4: Develop a program to educate property owners and school children to the potential danger of using chemical pesticides, herbicides, and fertilizers and encourage the use of environmentally friendly products and practices.

Responsibility: Conservation Commission
Timeframe: 1 year

Strategy 5: Monitor DEP inspection of overboard discharge systems to ensure compliance with State regulations.

Responsibility: Code Enforcement Office
Timeframe: Ongoing

Note: DEP regulations include semi-annual (year-round use) and annual (seasonal use) DEP inspections of overboard discharges.

Strategy 6: Continue to work with property owners to find alternatives to overboard discharge.

Responsibility: Code Enforcement Officer

Timeframe: Ongoing

Strategy 7: Educate property owners and coordinate efforts with surrounding towns to encourage practices that prevent non-point sources of pollution to surface waters.

Responsibility: Conservation Commission
Timeframe: Ongoing

Strategy 8: Require site plans that include protection of freshwater wetlands to serve as natural storage areas and filter systems, which control surface water runoff and absorb contaminants, before slowly releasing clean water into groundwater aquifers, brooks, streams, and rivers.

Responsibility: Planning Board
Timeframe: 1 year

Strategy 9: Continue to periodically monitor the quality of flats in the Little River and Cape Porpoise Harbor areas to ensure safe recreational shellfish harvesting.

Responsibility: Shellfish Warden
Timeframe: Ongoing

TOWN GOAL 2: TO PROTECT THE QUALITY AND QUANTITY OF GROUND WATER.

Policy 1: Protect the two primary aquifers located in the northern part of town.

Strategy 1: Require property owners who depend on well water in the vicinity of the aquifers located near Beacon Corner (Whitten Hill and Guinea Roads) and Oak Ridge Road (K'port) / Fox Farm Road (Biddeford) to report the results of water quality and flow testing from the original drilling to the Code Enforcement Office.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 2: Establish constraints for development and related activities in the vicinity of the two primary aquifers to protect water quality for possible future use as public water resources. Coordinate efforts with Biddeford.

Responsibility: Planning Board
Timeframe: 2 years

Policy 2: Manage disposal of storm water.

Strategy 1: Encourage adoption of section 11.4 "Storm Water Management Design Standards" of the Kennebunkport Planning Board Subdivision Regulations for design, construction, and maintenance of drainage systems for all roadways.

Responsibility: Planning Board
Timeframe: 2 years

Policy 3: Monitor and protect the quality and the quantity of current drinking water resources to ensure an adequate supply of good quality drinking water.

Strategy 1: Monitor development and related activities located in the watershed and service areas of Branch Brook and the Saco River.

Responsibility: Town Planner
Timeframe: Ongoing

Strategy 2: Develop a plan for periodic inspections of waste water systems.

Responsibility: Code Enforcement Office
Timeframe: Ongoing

Strategy 3: Monitor DEP inspection of underground storage tanks to ensure annual compliance with State regulations.

Responsibility: Code Enforcement Office
Timeframe: Ongoing

Strategy 4: Recognize the importance of protecting freshwater wetlands for the recharging of groundwater aquifers. Develop new and support established ordinances that protect this resource.

Responsibility: Conservation Commission, Planning Board
Timeframe: Ongoing

Strategy 5: Require property owners to provide the results of water well testing that is done to establish a baseline of information and track changes in water quality.

Responsibility: Board of Selectmen
Timeframe: Ongoing

September 2, 2003

CHAPTER VIII. NATURAL LAND RESOURCES

This chapter focuses on the characteristics and composition of the land which lies within the town. It discusses the uses of the soil for residential development, forestry and agriculture, and considers the protection of natural areas and scenic vistas which are judged important by the townspeople. Because planning should follow what the land can support, this inventory can serve to provide a framework for responsible planning.

Because of the repeated need to identify specific small areas within the town, much use is made of maps which have been marked in detail for this report (see Appendix B). Larger scale versions of the maps may also be found at the Town Office. ~~Maps mentioned in this chapter can be found at the conclusion of the chapter. The original maps may be viewed at the Town Office~~Although the maps convey a great deal of interesting information, the Committee emphasizes that there is no substitute for walking the land.

I. INVENTORY

A. Soils

The characteristics of the soil in Kennebunkport, and the implications of those characteristics for development, are set forth on the Hydric Soils Map.~~Maps~~ This map is based on data gathered by the Soil Conservation Service of the U.S. Department of Agriculture. The map groups all hydric soils together into a single coverage. When combined with wetlands mapping it provides a greater overview of soil limitations based on wetland or hydric soil types. Additionally, when combined with other development limitations (discussed later) this map forms the basis to assess where and how the town may develop in the future. Hydric soils have been defined by the York County Soil and Water Conservation District as containing the following soil types: Biddeford mucky peat; Brayton and Westbury fine sandy loams; Chocura peat; Raynham silt loam; Rumney loam; Saco mucky silt loam; Sebago peat; Sulfihemists; Urban land-Scantic; Vassalboro peat and Waskish peat.

Generally, Kennebunkport soils are generally poor for residential development, farming and forestry. Each use competes for the best that is available. The town is in a region of shallow, gently sloping to very steep, somewhat excessively drained soils formed in glacial till. There are also areas of bedrock exposure and deep, nearly level poorly drained soils formed in marine and lacustrine (lake) sediments.

In the center of town are small areas of soil with much the same characteristics left from glacial meltwater. Along the coast are less stable sand and marsh soils eroded by wind and water. Not an encouraging picture for a pretty town where so many people want to live.

The York County Soil Survey explains our situation quite simply: "Very few towns in Maine have large tracts of soils that are ideal for residential development. Often the soil is wet, bedrock is near the surface or land has steep slopes. Some areas may be subject to periodic flooding from nearby streams and rivers. It is often necessary to modify these areas by filling, excavation, blasting or draining. These additional costs for site development are passed on to future landowners. Maintenance costs such as erosion control, road and culvert repairs will often be borne by the new landowner or municipality. The installation of subsurface waste disposal systems, roads and buildings can have a negative impact on towns' soil and water resources."

~~B.~~

B. Uses Of Wetlands

Coastal towns like Kennebunkport have significant coastal wetlands as well as freshwater wetlands.

An abundance of water is essential to all forms of life, but often makes residential development risky. Kennebunkport's coast is oriented to the southeast, and coastal storms have demonstrated over and over again the need for good floodplain management. The ocean is rising a little every year. Recent storms have often reduced or exceeded the limits of the current "100-year floodplain", to the dismay and cost of coastal residents living too close to the ocean. Coastal damage is the worst when the sun and moon are in line, exerting double force on the tides. Wave action is even more devastating than high water. Sea walls rarely keep out the sea; the water goes over, around or underneath. The Goose Rocks colony, however, is a seeming exception to this rule. It has been spared much potential destruction because of the rocky reefs off-shore, which are visible at low tide. They break up the wave action and provide a valuable first line of defense.

As of March 2001, Kennebunkport had 264 homeowners registered in the Federal Flood Insurance Program for a total coverage amount of $47,600,900. The total number of claims since 1989 has been 98 although there has not been any claims since November of 1997.

Coastal marshes should not be built on. When they are altered, or altered in close proximity, the development will be taken back by the sea sooner or later. There is also the safety factor to consider. Evacuating residents and housing them in ~~school buildings~~ shelters is not a rewarding experience for anyone. Currently both state and municipal land use regulations prohibit construction within coastal wetlands.

The National Wetlands Inventory is the best source of data currently available for wetland locations in the town and is available in the Town Office.

Freshwater wetlands have many uses. A study by the Maine State Planning Office and others, entitled, "Casco Bay Watershed Wetlands Characterization", helps to better define the value for particular wetlands both within and outside of a watershed. This characterization can be accomplished through a relatively straightforward GIS mapping process. The study identified the following key values and functions for wetlands which need to be considered as the town examines its wetland and resource protection rules:

- Hydrologic Functions
- Biogeochemical functions
- Biological Functions
- Cultural values

Hydrologic functions are primarily concerned with flood flows and the process by which peak flows are stored and delayed in their journey downstream. In this regard wetlands perform a critical function in the storing and release of waters during storm events. The biogeochemical function is the process by which wetlands may trap sediment in runoff from uplands and help prevent water quality degradation downstream. The biological function is related to the potential for the wetland to provide habitat for certain species that rely on wetlands for some part of their life cycle including finfish, shellfish, and other flora/fauna. Finally, the cultural values of wetlands are those represented by the educational and recreational value (birdwatching, nature study) of the wetland.

The prioritization of these wetlands and their value can be seen as an appendix to the book entitled "Beginning with Habitat", presented to the Town in November 2001 and on file in the Town Office.

C. Wildlife

The Maine Department of Inland Fisheries and Wildlife (IFW) , the Maine Natural Areas Program (MNAP), the State Planning Office and Maine Audubon have recently finished a GIS compilation of existing data regarding wildlife habitat and rare and endangered species locations in Kennebunkport. A description of this data and it's use can be found in the guide entitled "Beginning with Habitat". In sum, the data illustrates the following:

1. The importance of riparian habitat along streams, brooks, rivers, and associated wetlands. These areas function as tremendous travel corridors for wildlife and most importantly contain 75% of all the species diversity in

Maine. To some degree, these areas are protected by Shoreland Zoning. The extent of that protection is much debated.

The Maine Department of Inland Fisheries and Wildlife considers these riparian areas the backbone of any wildlife preservation effort.

2. The wide range of high value plant and animal habitat within the community. The consortium of agencies denoted above have highlighted the ecological diversity of the town with mapping of: deer wintering areas; assemblages of rare plants, animals and natural communities found within the town; "essential" wildlife habitats which requires IFW review for endangered animals and their habitat; and "significant wildlife habitat" (such as high and moderate value waterfowl or wading bird habitat).

3. Finally, and perhaps most importantly, the identification of large relatively unbroken blocks of habitat which can support animals with large home ranges (such as moose and fishers) as opposed to suburban species (such as raccoons and skunks). These unfragmented blocks offer valuable opportunities to preserve a wide range of species in a rapidly developing landscape. The implications for wildlife diversity in the face of "sprawl" in these locations may be an important planning concern. Many of these unfragmented blocks also cross town boundaries.

4. The most important piece of unfragmented habitat is a nearly 3,000 acre piece that extends into Biddeford and Arundel. This habitat – extremely large for southern Maine – is located in the northern part of town and is comprised mainly of forests and wetlands. It also contains much of the Town Forest and parcels now in the Tree Growth and Farm/Open Space Taxation program.

Additionally the US Fish and Wildlife Service (USFW) has also developed wildlife habitat data which is also on file with the Town. This data essentially predicts the habitat for the USFW trust species for the region. The data includes both upland habitat and coastal habitat. The mapes for this modeled data are also included with the maps in the "Beginning with Habitat" guidebook.

D. Plant Life

~~Kennebunkport has never been inventoried for rare botanical features. Such records as are available are maintained by the Maine Natural Areas Program, which is an activity of the Maine Department of Conservation in Augusta. Table V-3 (which appears between Maps V-5 and V-6 at the conclusion of this chapter) has been provided by that Program. It lists a number of rare or endangered plant species which have been observed in Kennebunkport in the past. The Program would~~

~~welcome more data concerning rare plant species in Kennebunkport and is anxious to cooperate with efforts to protect botanical features of this kind.~~
The Maine Natural Areas Program has recently begun work on further identifying rare plant locations and communities in southern Maine. The following rare plants and rare plant communities have been identified in Kennebunkport:

Number	Feature Name	State Rarity*	Date Observed
1	Spartina Saltmarsh	S3	1992
2	Pale Green Orchis	S2	1991
3	Pale Green Orchis	S2	1984
4	Saltmarsh False-Foxglove	S3	1985
5	Eastern Joe-Pye Weed	S2	1992
6	Saltmarsh False-Foxglove	S3	1982
7	Small Reed Grass	S2	2000

* Rarity rankings are based on a scale of 1 (most rare) to 5 (most common). The S signifies it is a Maine ranking only. A G would signify a Global ranking. These do not necessarily represent the only such rare plant sites in Kennebunkport. They are merely the sites that have been inventoried by the MNAP.

E. Forestry

The Soil Conservation Service (SCS) ranks various soils according to their ability to produce timber. Soils are rated only for productivity, not for management problems such as erosion, hazards for equipment or seedling mortality. Eastern white pine was used as the tree species to develop the rankings. The SCS has defined prime woodland as land capable of growing wood at the economic productive growth rate for a given tree species. The only soils found in Kennebunkport which are ranked as very high or high productivity are Adams and Croghan soils. These are found in such isolated, small areas that no part of town is ideal for forestry. For most of the forested land in Kennebunkport, the soil is not rich and tree stands are still recovering from the 1947 fire.

The Maine Department of Conservations 2000 Tree Growth tax list identifies 19 parcels devoted to "Tree Growth," a category which entitles the owner to favorable tax rates. This is less than was noted in the previous plan by about 15 parcels and 447 acres. To qualify for the program, the lot must be ten acres or more, and the owner must employ a registered forester to make an inventory of the lot and a harvesting schedule. The owner then shows these documents to the Tax Assessor, who notifies the State. Conversion to development brings a heavy financial penalty. Production on these parcels, which are scattered through the central and north portions of the town, is limited by slow tree growth.

According to the records of the DOC, only 291 acres of forest were harvested in Kennebunkport in the last 9 years.

The Town has designated certain town lots as the Town Forest. Sixty acres were lost several years ago in a title dispute. The budget for the Town Forester is only $500, inadequate to cover proper forest management for the ~~971~~acres remaining in the forest. However, the Town did recently expend $40,000 on a survey of the property.

F. Agriculture

The Soil Conservation Service also ranks various soils according to their importance and quality as farmland. The SCS has defined prime farmland as land that is best suited to produce food, feed, forage, fiber, and oilseed crops. There is no "prime" soil in Kennebunkport. Lyman fine sandy loam on relatively flat land could be prime when irrigation is provided, but there is no irrigated cropland in the town.

There is no accurate estimate of the amount of land actually used for agricultural purposes in Kennebunkport. There are 600 acres registered in Farm and Open Space programs for crops, orchard, field or farm. There must be additional land in small tracts; some may be in woodland associated with a farming operation.

Although residents have gardens for their own use, farming in marginal soil is not commercially viable in this town today. There are horses kept for riding and several beef-cattle and sheep farms. Some fields, if not overgrazed down to the clay substrata, are useful for bedding hay and grazing, but large tracts would be necessary to support one animal on forage alone. Part-time farmers haven't the time to invest in fertilizing and mowing programs to produce top quality hay. Although a century ago, many citizens of Kennebunkport were farmers, it is doubtful whether any full-time farmers remain today.

G. Unique Natural Areas & Vistas

Kennebunkport has been diligent in protecting its most beautiful shade trees. The sight of an old elm soaring above a Colonial house is not a common sight in New England anymore, but Kennebunkport still has many of these majestic trees. It is not accidental. In a nationally recognized program, Kennebunkport voters since 1980 have appropriated up to $12,000 annually for treatment of the Dutch Elm Disease and the removal of hopelessly diseased trees. The bare spots have been filled with less vulnerable species by the Shade Tree Committee.

Many of the natural characteristics that make development so difficult in this town are the very things that are treasured by residents and tourists alike. They define the character of the town. These scenic viewsheds deserve legal protection.

In many meetings with citizens of Kennebunkport, the Growth Planning Committee (for the 1995 Plan) has determined which natural areas and vistas the citizens considered most valuable. Those which received most mentions, in descending order, are as follows:

1. Ocean Avenue, from Parson's Way around to Walker's Point.
2. Cape Porpoise, including the Pier, the Harbor and the islands.
3. Goose Rocks Beach
4. The view across the mouth of the Batson River from Goosefare Farm on Route 9.
5. The Kennebunk Riverfront, including the Monastery grounds across the river.
6. The Colony Beach
7. Turbat's Creek~~near the Shawmut Inn~~

Kennebunkport residents and summer people together have generously supported fund raising campaigns to buy and conserve many areas of unusual natural beauty. The following Table VIII-1 ~~V-4~~ shows how many of our valued areas have been donated or purchased, and hence are safe forever.

These parcels are highlighted on the Lands Not Readily Available for Development Map (which includes Conservation Parcels). The acreage amounts are also highlighted in the Land Use Section.

Table VIII-1: ~~V-4~~ Land Dedicated to Public Interest

Ownership	Location
Kennebunkport Conservation Trust	River Green
	Lake of the Woods
	Vaughn Island & Green Island
	Cape Island
	Redin Island
	Stage Island
	Goat Island
	Goose Rocks Beach lots
	Tyler Brook area (57 acres)
	Emmons-Chick lots (150 acre)
	Former Town Forest Lots (741 acres) soon to be transferred

Ownership	Location
Town of Kennebunkport	Town Forest lots (approximately 300~~971~~ acres) Kennebunk River lots Miller lots (Log Cabin Road) Lots & Park (Beachwood Road near former dump) Cape Porpoise Pier Government Wharf Goose Rocks Beach lot
U.S. Fish & Wildlife Service	Batson River Estuary Smith Brook Estuary Little River Estuary

The Kennebunkport Conservation Trust has been an important educational influence. Their program of acquisitions has been low key and broadly supported. Voluntary actions enhance the feeling of community responsibility. In planning for the future of the town, this public attitude is crucial to the success of any plan.

II. ANALYSIS AND CONCLUSIONS

A. The Impact Of Soil Characteristics

As the Inventory has made clear, the poor quality of the soils which predominate in Kennebunkport has made agriculture and forestry non-viable as occupations, and has thrown an economic damper on the development of housing. Because poor soil adds to the costs of extracting well water and of disposing of septic waste, it places a premium on the availability of land served by municipal fresh water and the municipal sewer system. Most of the undeveloped areas of the Town, however, are not now served either by the KK&W Water District or by the sewer system, and it is doubtful that water will ever be available from the KK&W at prices which would make large-scale agricultural use practical.

As development activity heats up again the suitability of soils for septic disposal, plays a key role. Large amounts of hydric soils as shown on the Hydric Soils Map present a limiting factor for growth. However Maine's fairly liberal standards for septic suitability (12 inches as a limiting factor) may make septic systems suitable where they may not have been only five years ago. ~~As development At present, there is little pressure to construct additional housing anywhere in York County, but at some time in the future, that pressure is likely to reappear. When it does, the Town may find itself squeezed between two uncomfortable options.~~ A few options exist. One ~~will be~~ is to subsidize the extension of the municipal water and sewer

systems, at considerable cost. The alternative will be to limit residential construction in areas where a growing number of septic systems may pose a threat to the quality of the well water of the prospective homeowner.
~~**The septic field requirements proposed in Chapter IV will give the Town a sound basis to deal with this pressure.**~~

B. Wetland And Wildlife

The greatest threat to wildlife is our deep-rooted tendency to ignore it. When people build houses or organize trips to the seashore, it is doubtful that they ever do so with the intention of disturbing wildlife. But, because the fish, the birds and the animals are inconspicuous, they seldom come to mind in the face of the overwhelming joys of a new home or the pleasure of a day at the beach. So we do what comes naturally, with no thought for the birds or animals which we may have displaced, injured or frightened away. Often, it is not until a species of wildlife has totally disappeared that we begin to miss it.

In the face of this universal tendency, the Federal Government, the State and the Town have done a great deal to protect all forms of wildlife. As noted in the Inventories, bathers have been alerted to the preservation of beach grass, levels of toxicity in streams and coastal waters have been greatly improved, large areas of land have been set aside as preserves for birds and other wildlife, and protective zoning has been imposed all along the shoreline. Nevertheless, it is clear that a great deal more can be done to control the disposal of wastes, to reduce erosion, and to allot even larger areas as wildlife reserves. Hence the people of Kennebunkport will have a continuing need to examine their consciences and decide how much additional tax money they will appropriate, and how much additional restriction they will tolerate, in the interests of wildlife preservation.

Recent data made available from the Department of Inland Fisheries and Wildlife and presented to the town in November 2001, helps to further define the most sensitive and critical areas in town. These maps are available as part of this project.

The guide, "Beginning with Habitat", provides direction in the importance of protecting riparian habitat and rare and threatened plant/animal species. IFW has identified the following rare animal species in Kennebunkport.

Number	Feature Name	State Rarity*	Date Observed
8	Black-crowned Night-Heron	S2B	1977
9	Spotted Turtle Wood Turtle	S3 S4	1991 1980
10	Woodland Vole	S1	1986
11	Spotted Turtle	S3	1984
12	Spotted Turtle	S3	1990
13	Spotted Turtle	S3	1992
14	Common Tern	S4B	1995

Note: The rankings are based on a scale of 1 to 5 with 1 representing the most rare or endangered and 5 the most common. These are state rankings (S).

The coast of Kennebunkport is also rich with habitat. The IFW maps show Piping Plover Essential Habitat, Roseate Tern Essential Habitat, Shorebird Habitat (migratory shorebird coastal staging areas), and Tidal waterfowl/wading bird habitat. The maps demonstrate the mosaic of animal life found along the coast.

C. Town Forest

In an effort to expand and permanently protect the large undeveloped wildlife habitat in the northern corner of town, voters have transferred 741 acres of the Town Forest to the Kennebunkport Conservation Trust. Additional abutting parcels are being purchased by the Trust to enlarge these holdings. Management plans are being developed and public trails are in the design phase. It is the goal of the Trust to one day create a trail system that stretches from Cape Porpoise village to the northern corner of town.

The acreage of the Town Forest after the transfer of 741 acres to the Kennebunkport Land Trust will be approximately 300 acres. ~~(aprox. waiting for tax assessor confirmation)~~

D. Areas And Vistas Of Natural Beauty

It is encouraging to see that several of the locations which the citizens of Kennebunkport consider most attractive have been preserved to some degree through purchases by the Town or by the Kennebunkport Conservation Trust.

Nevertheless, continuing economic development inevitably leads to changes in appearance, and it is a rare day when those changes are judged to be for the better. Furthermore, increased taxation and regulation reduce landowners' income from the land. If, as a result, large landowners are forced to sell to developers, the town will lose much of the vacant land we all cherish. Land which is presently vacant along North Street, Goose Rocks Road, and Wildes District Road, which has

always been part of our scenery, is typical of that which is already being partitioned for subdivisions.

Another example is Oak Ridge Road, formerly a dirt road used by horses, mountain bikers and target shooters. This road is now paved. It runs through a major town aquifer. Where sand has been dug away near the road, large ponds have appeared. The land has "healed" and these ponds are now hawk and wildlife habitats. Were the land developed, this pretty refuge would disappear.

We now look with new appreciation across the Kennebunk River at the Franciscan Monastery in Kennebunk. ~~Given the dramatic political changes in Lithuania,~~ At the present time it is not for sale but ~~that~~ the estate might be sold if the Brothers decide to return to their homeland. It is a beautiful, unspoiled stretch of riverfront with an uncertain future.

There are many other threats to the natural resources we have taken for granted for so long. We will need a lot of public support to solve these town-wide problems.

With recent mapping compiled for the "Beginning with Habitat" project, a growing GIS data base (with wetlands, soils and other environmental features), and better mapping of Town-owned lands, the Town now has an opportunity to see how all these natural resource values fit with the Town's land use plan. As demonstrated by the overlays of conservation and tax incentive programs with the natural resource mapping, land conservation and programs such as the Tree Growth program can help protect (at least temporarily) important natural resource features. A more detailed review of resources and protection options might benefit the town as they seek to prioritize their open space needs.

III. IMPLEMENTATION

STATE GOAL: TO PROTECT WETLANDS, WILDLIFE HABITAT, SCENIC VISTAS, SHORELANDS, AND NATURAL AREAS BY:

- **A. DEVELOPING POLICIES AND ORDINANCES CONSISTENT WITH STATE LAW PROTECTING CRITICAL NATURAL RESOURCES;**
- **B. CREATING GREENBELTS, PUBLIC PARKS, AND CONSERVATION EASEMENTS**
- **C. PROTECTING UNDEVELOPED SHORELINES.**

TOWN GOAL 1: TO PROTECT RARE AND ENDANGERED SPECIES

Policy 1: Protect and preserve habitat necessary for the continued existence of piping plovers and the possible return of least terns in Kennebunkport.

Strategy 1: Enforce all sand dune and critical edge regulations.

Responsibility: Code Enforcement Officer
Timeframe: Ongoing

Strategy 2: Continue to partner with interested groups and the Conservation Commission in educating the public about steps they can take to protect piping plovers and their nest sites.

Responsibility: Conservation Commission
Timeframe: Ongoing

Strategy 3: Enforce dog leash laws.

Responsibility: Police Department, Animal Control Officer
Timeframe: Ongoing

Policy 2: Protect and preserve saltmarsh habitat and saltmarsh dependent endangered species.

Strategy 1: Continue to support the acquisition of salt marsh habitat and upland habitat adjacent to saltmarsh by conservation organizations such as Rachel Carson Wildlife Refuge, Kennebunkport Conservation Trust, and the Trust for Maine's Future or by the Town.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 2: Work with conservation groups to educate the public about the importance of the salt marsh and its fragile nature.

Responsibility: Conservation Commission
Timeframe: Ongoing

Strategy 3: Protect saltmarsh habitat from the adverse effects of introduced invasive species.

Responsibility: Conservation Commission
Timeframe: Ongoing

Strategy 4: Enforce Critical Edge regulations.

Responsibility: Code Enforcement Officer
Timeframe: Ongoing

Strategy 5: Work with Rachel Carson and the harbormaster to enforce no trespassing signs banning water craft from the marsh.

Responsibility: Harbormaster and Law Enforcement
Timeframe: Ongoing

Strategy 6: Work with law enforcement to keep motorized vehicles off the marsh.

Responsibility: State and Local Law Enforcement
Timeframe: Ongoing

Strategy 7: Consider regulating the use of herbicides, pesticides, and fertilizer in areas adjacent to all wetlands and waterways.

Responsibility: Conservation Commission
Timeframe: 2 years

Strategy 8: Develop a document to inform and educate property owners in the critical edge of their rights and responsibilities in protecting the natural resource. The document is to be distributed by the code enforcement officer to homeowners requesting building permits, posted in the Town newsletter, and posted on the Town website.

Responsibility: Conservation Commission
Timeframe: 2 years

Policy 3: Recognize and preserve Kennebunkport's status as one of three high density vernal pool complexes in all of New England.

Strategy 1: Work with state and local researchers to identify, map, rate, and preserve Kennebunkport's vernal pools.

Responsibility: Conservation Commission
Timeframe: 2 years

Strategy 2: Adopt management practices that would preserve habitat and hydrology necessary for the rare and endangered species including, but not limited to Blanding's turtle, spotted turtle, pale green orchis, and small reed grass; which are dependent on this habitat.

Responsibility: Conservation Commission, Planning Board
Timeframe: 2 years

Strategy 3: Work with the DOT and Town highway department to accommodate known migratory crossings of endangered reptiles and amphibians as part of major road construction or repair projects. Place caution signs at appropriate sites.

Responsibility: Conservation Commission
Timeframe: 2 years

Strategy 4: Develop appropriate salt application rates, or encourage the Town to investigate alternatives to salt, on roads over or adjacent to freshwater wetlands.

Responsibility: Board of Selectmen
Timeframe: Ongoing

Strategy 5: Work with local schools, libraries, and media to educate the public about the importance of vernal pools.

Responsibility: Conservation Commission
Timeframe: 2 years

Strategy 6: Add the following definition of vernal pool to the Land Use Ordinance:

"Vernal pools are naturally-occurring, temporary to permanent bodies of water occurring in shallow depressions that typically fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders and fairy shrimp, and often provide habitat for other wildlife including several endangered and threatened species. Vernal pools intentionally created for the purposes of compensatory mitigation are included in this definition."

Responsibility: Planning Board
Timeframe: 2 years

TOWN GOAL 2: TO MAINTAIN THE INTEGRITY OF THOSE AREAS SELECTED BY PUBLIC POLLING AND THE STATE'S SCENIC ASSSESSMENT IN 1986.

Policy 1: Promote actions to preserve scenic resources and views of these resources.

Strategy 1: Consider adopting land use regulations recommended by Maine DEP for minimizing impact of construction in designated viewsheds.

Responsibility: Planning Board
Timeframe: 2 years

TOWN GOAL 3: TO PRESERVE KENNEBUNKPORT'S NATURAL RESOURCES FOR LOW IMPACT PUBLIC USE.

Policy 1: Manage remaining town forest lands for public use.

Strategy 1: Work with the Kennebunkport Conservation Trust to connect public and private conservation lands into a continuous trail system with mutual guidelines for use and protection of the lands.

Responsibility: Recreation Department and Conservation Commission
Timeframe: 2 years

Strategy 2: Restrict use of Town-owned conservation lands to activities which do not damage or deplete its natural resources.

Responsibility: Board of Selectmen
Timeframe: 1 year

Policy 2: Insure that the Town of Kennebunkport retains its rural heritage.

Strategy 1: Establish a fund for land conservation to be appropriated on an annual ongoing basis.

Responsibility: Board of Selectmen
Timeframe: 1 year

Strategy 2: Purchase lands for conservation and for public access to natural resources. (Examples include, but are not limited to: wetlands, open space or viewsheds, water access, aquifer protection, high value wildlife habitat, land connecting current conservation lands, and wildlife corridors.)

Responsibility: Board of Selectmen
Timeframe: When funds are sufficient and available